

APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
June 6, 2022

Chairman Tim Doherty called the meeting to order at approximately 7:03 PM.

Ms. Masse-Quinn called the roll:

PRESENT ROLL CALL:

Tim Doherty – present
Jim Bergeron - present
Roger Montbleau – present
Danielle Masse-Quinn – present
Paddy Culbert - present
John Spottiswood – present
Jaie Bergeron – present
Bruce Bilapka - present
Joe Passamonte – present
Hal Lynde - present
Scott Sawtelle - present
Jennifer Beauregard – present
Jennifer Castles - present

**ABSENT/
NOT PARTICIPATING:**

Kevin Cote
Samuel Thomas

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Mr. Doherty appointed Mr. Culbert to vote for Mr. Passamonte until he arrives.

Regarding the May 16, 2022, meeting minutes, Ms. Masse-Quinn had the following changes: Line 352 to add the person that made the second for the motion. Mr. Montbleau said it was him. On Line 127, the last name of the person named Steve and his last name was unintelligible. Ms. Beauregard said she might have a copy of the letter he wrote and will send that to Ms. Castles. Mr. Lynde said on Line 543 to write out the words 'Housing Appeals Board' for the acronym 'HAB'. Mr. Lynde said on Line 545 he wasn't sure what Mr. Maynard was referring to when he said 'that'. Mr. Doherty said we would leave that the way it was written. Mr. Lynde made a comment about Mr. Cote suggested putting in a traffic light for the proposed building with the workforce housing. Mr. Lynde would recommend they go with a round-about if they go with this rather than a traffic light. Mr. Lynde said that is mentioned on 449. Mr. Lynde said they should consider putting in a round-about. Mr. Passamonte joined the meeting.

MOTION: (Ms. Masse-Quinn/Mr. Bilapka) To approve the minutes of May 16, 2022, as amended.
VOTE: (6-0-1) The motion carried. Mr. Jaie Bergeron abstained.

OLD BUSINESS

PL2022-00018 (Map 22 Lot 8-85) GENDRON, Pat & Kim (Owner) and Reno Properties (Applicant) – 579 Bridge Street – Seeking review & comments of a Conceptual Plan showing 2 phases. Phase I is a 66-unit apartment building, each with 2 bedrooms, consisting of 13 Workforce Housing units and 53 Market Rate units. Phase II to be commercial uses, to be developed at a later date. ZBA Case #ZO2021-00001-CR granted Feb. 14, 2022.

Mr. Maynard from Benchmark, LLC introduced himself along with Bill Renaud of Reno Properties. Mr. Doherty said he noticed the plan had been updated. Mr. Renaud said at the last meeting, the Phase II was undecided, and he took the ideas from the last meeting to update his plan. Mr. Renaud said his thoughts are to make it a community area with mixed-use development. Mr. Renaud said he is still looking for input from the board for the back portion of the plan. Mr. Renaud said one of the groups they spoke with was Crossroad's Church, which is looking for more area to grow their school and athletic department. Mr. Maynard stated this parcel of land is 44.65 acres, owned by the Gendron Family with wetlands in the center of it. Mr. Gendron would like to retain 14 acres with his current house. Reno Properties would purchase the remaining land, which is 30.65 acres. Mr. Maynard worked the numbers that the town has under their ordinance, under 307.12 Table 1. Mr. Maynard said in the B5 zone they need a minimum of 136,680 for the lot size. Mr. Maynard said they are looking to make the front building with 66, 2-bedroom units, which is 132 bedrooms. That area would require 1.32 million square feet of usable land, which is 30.3 acres in size. This is 30.65 acres, so that would be a viable option. Mr. Maynard said Mr. Renaud is purchasing 30.65 acres so therefore those numbers work for the workforce housing portion of the property. In the last meeting, he showed a stub road at the rear of the lot and was looking at different commercial development options. Mr. Maynard said Option A is they've been talking with a church that is looking for an option to expand their school and a portion of the back lot could be used for this and the remaining portion could be used for self-storage as a possibility. Mr. Maynard said as far as sewer loading, the property would allow for about 33,300 gallons per day. He said if he backed out those numbers for the workforce housing project, they would need 19,800 gallons per day for that 66, 2-bedroom units and that would leave them 13,500 gallons per day on the backland. Mr. Maynard said that self-storage units are very minimal from a sewage loading capacity and would probably be about 300 gallons per day for the office space. He said that would leave about 13,200 gallons per day for one of the contemplated uses which could be the church/school land. A church uses about 3 gallons a day per seat and if there were 320 parishioners that would be 960 gallons per day for the church portion. If you look at a school, the numbers get higher if there is a gym and a cafeteria. The state looks at those at 25 gallons per day per student and 15 gallons a day per teacher. With the loading there, that would be enough capacity for about a 300-student school on the back piece of the property. Mr. Maynard said there is a concept B plan, which would be commercial and self-storage on the back land. He said there is a site line profile in the package based upon where the drive would exit onto Route 38. He said DOT standard for this is 400-feet and he says 400-feet of sight distance is more than attainable and he thinks there will be more than that in both directions. Mr. Maynard said they are trying to pin something down before they submit a plan. Mr. Maynard thinks this is a good spot in town for a mix-use like this.

Mr. Doherty asked Mr. Maynard to point out on the plan what each building represents. Mr. Maynard pointed out on the board each building and described each of them. He showed option A and option B as he described earlier. He also pointed out areas for trails and walking areas around the outside of the property. He described the drainage and grading perspectives and said he will make them all meet the town's site plan regulations and the State's AOT regulations.

Mr. Doherty asked if the board members were following along.

Mr. Culbert asked how much workforce housing does he estimate that the town needs. Mr. Maynard said there was a report done by Southern NH Planning for the Town of Pelham and he didn't remember the numbers off hand, but thought there was a substantial amount they were looking for by 2025. Mr. Culbert asked if the two proposed athletic fields could be used by the town. Mr. Renaud said that would be his

plan and if the church doesn't work out then the fields would be 100% a community area. Mr. Renaud said in his preliminary discussion with Crossroads he has stressed that not only members would be allowed, and it could be open to others. Mr. Renaud said if it is purely commercial, then the fields would be 100% open to the public. Mr. Doherty stressed that this is only conceptual, and that the applicant doesn't have an answer for these specific questions Mr. Culbert was asking.

Mr. Montbleau asked if the housing portion would be the first to be developed. Mr. Renaud said yes. Mr. Montbleau asked if the front and the back would be done simultaneously. Mr. Renaud said no, because the State approvals for the wetland will take a while, so they would start with the front portion and once approvals are in place, then they can start the back portion. Mr. Montbleau asked if this was one plan with phases 1 and 2 involved in it completely. Mr. Renaud said correct. Mr. Montbleau asked if at that time they would address if the self-storage would have living quarters. Mr. Maynard said they weren't planning on incorporating that in their plan. Mr. Montbleau asked if they are talking about a private school. Mr. Renaud said he believed Crossroads is a private school. Mr. Montbleau asked if he has gotten someone interested in putting a school there. Mr. Renaud said he has had conversations with Crossroad's church, and they were comfortable with the possibility of this project. Mr. Renaud said this church is looking to expand due to their school becoming extremely popular and they are looking for more room and more room for their growing sports program. Mr. Montbleau said he would lean towards the church and school because this land is on an aquifer that they want to protect. Mr. Renaud said correct. Mr. Montbleau asked if the housing unit would be similar to the one he has built-in town. Mr. Renaud said correct, and the main thing would be the affordability portion. This structure would be 20% affordable and 80% market rate. As far as quality, it would be the same as his other buildings.

Mr. Passamonte asked who told him Crossroads would go over there. Mr. Renaud said no one said they would, but he has had multiple conversations with them and they are interested in it, but it is not set in stone. Mr. Passamonte said plan A will not work with Crossroads, it may work with some other church, but not with Crossroads. Mr. Culbert asked Ms. Masse-Quinn how many pieces of workforce are required.

Ms. Masse-Quinn said she wanted to present her research. She asked Mr. Renaud where the demand is for workforce housing in Pelham. Mr. Renaud said every town needs more of this and according to the Governors in MA and NH that are always speaking about this need. Mr. Renaud said costs are rising for houses and there is a need for the affordability factor. Ms. Masse-Quinn said she did some research for this project and said under the NH RSA 674:58, paragraph 3 states 'if the ordinances and regulations of a municipality make feasible the development of sufficient workforce housing to satisfy the municipality's obligation under RSA 674:59, and such development is not unduly inhibited by natural features, the municipality shall not be in violation of its obligation under RSA 674:59 by virtue of economic conditions beyond the control of the municipality that affect the economic viability of workforce housing development.' With that 'natural features' by definition means components and processes present in or produced by nature including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plans, aquatic life, and wildlife. And under the aquifer transmissivity map that she provided to the members from NRPC, 579 Bridge Street sits over the largest aquifer in our town with the highest transmissivity of 8,001 square feet per day. When she pulled up Map #2, under the drinking water resources, which is found under the Town of Pelham natural resources inventory dated March 24, 2003, this aquifer is located and recognized with concerns for public water supply as a drinking water protection area defined by NH DES, underground threat and above ground threat and as a super fund site. She said this same aquifer is recognized in the 1987 hydrogeology of stratified drifts aquifers and water quality in the NRPC report on page 22 as the largest drift aquifer making this area of Pelham the best available location for developing groundwater supplies for the town. She said it's also stated in the NRPC's 2007 report as the only potential source aquifer in the Town of Pelham and is entirely dependent on groundwater aquifers to supply water to residents. She said it is important to note in 2005 the town of Pelham currently has 4,809 wells that work off the aquifers in our town. It is also important that the same aquifer is recognized within our 2002 Pelham Master plan in the conservation and wetlands districts. She said under Chapter 9C Water Sources states that land adjacent to

surface water resources is restricted from development or strictly monitored in its active use as these areas are vital between surface and groundwater supplies. They are best suited for open space and have the potential for forming the basis of an open space system serving all developable areas of our community. Also, in 9C, underwater sources, it's recommended to restrict the development of wetland areas in the future through the town's wetland ordinance. These are the life and blood of our community. She also noted in March 2005, the town voted to protect the town's water and underground aquifers from being tapped and sold out of the town by ballot, which was Warrant Article 10. She said if you refer back to the workforce housing statutes to 674:59, Paragraph 4, it states Paragraph I shall not be construed to require municipalities to allow workforce housing that does not meet reasonable standards or conditions of approval related to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection. She referred to the NH RSA 674:59 Paragraph III states a municipalities housing stock shall be taken into consideration in determining its compliance with this section. If a municipality's existing housing stock is sufficient to accommodate its fair share of the current and reasonably foreseeable regional need for such housing, the municipality shall be deemed to be in compliance with this subdivision and RSA 672:1, III-e. She said she reached out to our assessor's office and requested current information on the median household income for the town, the current HUD AMI, the current median assessed value for single-family homes, the current median assessed value for condos, and a list of current sales for Pelham from June 2020 to June 2022. She said the median household income is \$108,223.00, however the HUD AMI limit is \$122,400.00. The median sales price for a single-family home is \$582,500.00 and the average sales price for a single-family home is \$567,289.00. The median sales price for a condo is \$493,000.00 and the average sales price for a condo is \$480,237.00. The median assessed value for a condo is \$446,900.00. She said according to the list of sales from 2020 to 2022, the town has had a total of 348 sales and out of that, a total of 112 units were assessed at \$446,900.00 or below. She also requested a list of all existing housing stock with an assessed value of \$446,900.00 or below. This list shows all existing housing stock as single families, single families with in-laws, single families with ADUs, single families on water, single families with water access, mobile homes, mixed-use housing, multi-housing, two or three families, 19 apartments that have a total of 207 units and 177 duplex's that have 354 units. She said from this report our town has a total of 2,348 units of existing housing stock assessed at \$446,900.00 or below. She said to determine our fair share, the statute requires a municipality to meet this requirement in two ways, to provide reasonable and realistic opportunities for affordable housing or to demonstrate that our town's existing housing is sufficient to accommodate its fair share of current and reasonable foreseeable regional need for workforce housing. The regional need is found on page 85, which she gave the board copies of within the 2019 housing needs assessment for the Nashua region. She said that states the town of Pelham needs to have 2,022 units of affordable housing by the year 2017. 2,228 units by the year 2025 and 2,370 units by 2040. Our town currently has 2,348 units of affordable housing, and at this time is accommodating its fair share of a current and reasonable foreseeable regional need.

Mr. Doherty asked if we could see the maps that she submitted online. Ms. Masse-Quinn said yes, and she got them from NRPC, and they are on their website. Mr. Montbleau asked if she could explain. Ms. Masse-Quinn said there was a document called the aquifer transmissivity map from NRPC that shows that 579 Bridge Street sits over it. She said that aquifer has the highest transmissivity of 8,001 s/f per day. That shows the quantity of water that an aquifer can move horizontally. This is the biggest aquifer in our town. She said the second item was Map 2, which was found under the town of Pelham's natural resource inventory, on March 24, 2003. That referenced the same aquifer as under 579 Bridge Street. Mr. Doherty asked if that was on Hobbs Road and Mr. Bergeron said it was Simpson Mill Road. Mr. Montbleau commented that this aquifer is about five times the size of Little Island Pond. Mr. Bergeron asked Ms. Masse-Quinn about the number of wells served that she spoke of. Mr. Bergeron said Pelham has a total of 4,009 private wells in town. Mr. Bergeron asked if she meant to say 4,000 instead of 508. Ms. Masse-Quinn said he pulled her information from the planning director and the Master plan subcommittee. Ms. Beauregard said she did not have that with her tonight. Ms. Masse-Quinn asked if that number could be double-checked.

Mr. Bergeron said this leads to the broader point of the zoning ordinance relevant to the number of private wells that are served by this aquifer, and this is a precious resource that we need to protect. Mr. Bergeron said he would relate the importance of the aquifer he would like to relate that to the zoning ordinance to prove or demonstrate that our zoning ordinance is not in any way restrictive to the applicant.

Mr. Lynde said he has a well, but not on that aquifer and he thought Ms. Masse-Quinn's numbers were the wells feeding off of the Bridge Street aquifer and the other number was a total for the town of Pelham and he said that we should get that answer.

Ms. Beauregard said she had the plans that were submitted to the Master Plan committee, and she had that there were 4,809 private wells in Pelham.

Mr. Bergeron said that Mr. Maynard talked about the mathematics of our zoning ordinance, and he gained those from page 6 of our zoning regulations and that he came up with the square feet required by our ordinance. Mr. Bergeron said he feels that in that table someone is allowed to use the gross area including wetlands. Mr. Bergeron said his wetlands make up a portion of the 30.65. Mr. Bergeron asked Mr. Maynard what percent of wetlands are in that total. Mr. Maynard said it might be up to 40%. Mr. Bergeron asked to consider the zoning ordinance and that it requires 10,000 s/f per bedroom and that it comes close to that 30.65 acres without anything else.

Mr. Doherty requested a five-minute recess.

Mr. Lynde asked if the apartment house he's putting in is on top of the aquifer or removed from it. Mr. Maynard said the town maps indicate it is a swath of land that follows Bridge Street, and that area is all deep sandy soils and deep-water tables. Mr. Maynard said he understands why there would be transmissivity of the water through those soils. Mr. Maynard said this research is old and is from 2003 and there are new ways of identifying aquifer areas now. Mr. Maynard said he is not looking to put wells into this area and drawing water out, he is going to extend public water from the church to this site. Mr. Maynard said that when looking at drainage design today, compared to 2003 is very different. Today they have to do groundwater recharge and calculations that need to be done. In a property like this, that is sandy, the water will perk into the ground. Mr. Maynard said when they pave those surfaces, they get a high rate of runoff, and he has to consider that in his drainage design. The detention ponds he designs would be larger than normal.

Mr. Doherty asked if this land has any flow of water that leaves it. Mr. Maynard said it does leave between the front piece and the rear piece they are looking to develop on the maps. There is a channel in the center of the wetland. Mr. Doherty asked if during heavy rain, would they see water. Mr. Maynard said yes, maybe in the springtime.

Mr. Bergeron talked about the zoning that was adopted this past March about mentioning workforce housing. He said we were very generous about this in the B5 district. He said the engineer can include wetlands in the gross area calculations of the square feet needed to construct the complex. He said because they are only using the 30.65 and that they want to put the 66 units on 6-7 acres, and they will have another commercial development on the remaining acres. He said our ordinance requires they use the entire acreage for the computation of the 66 units. He said the well fields on the 6-acre parcel could come from another area without having to bring in public water. He said when you bring water in and increase the load on an already wetland, he would want to know what that would do to this wetland complex. Mr. Bergeron said the 66 units uses up all of that area and that Mr. Maynard can use the wetlands for soil types for septic loadings and we are letting that happen here. Mr. Bergeron said if you isolate those 6 acres, the zoning ordinance is going out the window and that would be telling the voters of Pelham that their vote would be disregarded. Mr. Bergeron said that is not reasonable or logical to him. He said it's not unfair for us to ask them to use the entire 30.65 acres to be used for the construction of the 66 units. He said they could spread the units out. He said this is completely against the table of dimensional requirements. He said we have to bear some responsibility for saying how much they can do with the soils and the structures they put over this. He said they could hold them to use the entire 30.65 acres and can only hope that the pollution that comes out of those 6 acres and flows into that wetland doesn't migrate and leave that area.

Mr. Doherty said he had suggested to the applicant at the last meeting that they may have to include much more of the parent parcel. Mr. Bergeron would be amenable to discussing that. Mr. Doherty said the additional 10-acres that could be used in the calculation would give them the ability to do something in the back. Mr. Bergeron said they started off with a premise of 44.65, but they eliminated 14.

Mr. Doherty said there is additional land that's not buildable to the south on this parcel that they're not included, but might have to. Mr. Doherty said if they included those 10 acres, then they could meet our zoning and it's unbuildable land anyways. He said he wasn't sure why they are not including that.

Mr. Maynard said the reason is that Mr. Gendron, the owner, had requested to retain 14 acres of land with his house. Mr. Doherty said this project might work with the 40 acres and maybe Mr. Gendron could keep four acres of dry land with his house. Mr. Doherty said this doesn't work with only 30 acres of land.

Mr. Maynard said at the last meeting, he understood, that under innovative land uses, there is flexibility for this board to do something with this property. Mr. Doherty said that flexibility would be grabbing 10 more acres to make this work. Mr. Doherty said that this board spent a year working on this to ensure they met what the Housing Appeals Board asked us to do. Mr. Doherty said this is the first plan to come in front of us since then, but the numbers don't work if he doesn't use all the available land.

Mr. Bergeron said it's important to note that the concentration of units on this parcel in the business district is higher than any other district could be. He said the town is meeting its obligation to meet the requirements, but we are asking for reasonable conditions and that was the purpose of what the new dimensional requirement was. Mr. Bergeron said if wetlands could be counted then every builder would be asking for this. Mr. Bergeron said we need to hold them to that reasonable standard.

Mr. Maynard said he is arguing that every builder will want the same thing, but not every property is as good of soil condition as this piece of land is. He said regardless of the property he may not be able to get the amount of density from a state standpoint and that this town has a number of 10,000. Mr. Maynard said no two pieces of land are the same and this piece is exceptional. Mr. Bergeron said he was right and that he is going to bring water in and we will find out too late if it becomes polluted. Mr. Bergeron said there is a place on this land if a correction needs to be made, should there be a failure on these 6 acres. He said he lives on a 5-acre parcel and could never imagine putting a 66-unit building there and having a successful septic.

Mr. Bergeron said the state standards that Mr. Maynard is quoting won't guarantee any of those and aren't proven and often times they fail. Mr. Bergeron said our 10,000 feet per acre is very reasonable and he won't go along with this conceptual plan. Mr. Renaud said that he and Mr. Maynard were under the impression that innovative land use allowed for flexibility. Mr. Bergeron said it does, but it doesn't allow a total wavering of zoning requirements. Mr. Bergeron said that innovative land use allows this board to make subtle changes and conditions to help the applicant, but we won't throw out the spirit and intent of this zoning ordinance on the 10,000 s/f per bedroom required. Mr. Renaud said he understood what Mr. Bergeron was saying.

Mr. Doherty said that because they've used the entire 30 acres to come up with the square footage for that amount of bedrooms, then in order to do something on the back parcel, they need to come up with more square footage to do that. He suggested they look into grabbing some more of that land to the south, even if it's just the wetland part. Mr. Doherty said it leaves him some of the dry, back part to do what they are proposing, but they didn't do that. Mr. Doherty said it is a 44-acre parcel and it can't be built on, as it's wetland. If they included that in the 132 bedrooms, then the back parcel wouldn't necessarily be included in those calculations which leaves them the ability to do that.

Mr. Renaud said they just had a misunderstanding about the innovative land use. Ms. Masse-Quinn said she sat on the workforce housing subcommittee and that Mr. Bergeron is correct that it is the entire parcel for the workforce housing. She said with that, wouldn't the workforce housing be a standalone application and why are they incorporating a Phase II off of the workforce housing.

Mr. Maynard said it is one piece of land and the only piece they were looking to take out was Mr. Gendron's piece. He said the remainder would be owned by Reno Properties as one piece. Ms. Masse-Quinn said she agrees with Mr. Bergeron that the whole issue is the parent lot. She said if they are

coming in front with a workforce housing application that was her impression on the committee as well. She agrees with Mr. Bergeron to use the entire 30 acres for the 66 units.

Mr. Passamonte asked if it is 60 gallons a day, per person for water usage. He asked if there were 132 bedrooms and that would be 8,000 gallons a day and what would that do to the water going downstream. He asked if it would cause flooding and asked what happens to that water. Mr. Maynard said the State of NH looks at a 2-bedroom home as a 300 gallons per day per unit. So they would be talking about 19,000 gallons per day would end up being groundwater recharge through septic. Mr. Passamonte asked how it would affect the water going downstream. Mr. Maynard said the way the alteration terrain rules have evolved over time, is for a 2-year storm event, he has to infiltrate 100% of the 2-year storm. The small summer storms get recharged back into the ground. When you talk about 10-, 25- or 50-year storm events he has to make sure the pond doesn't get breached in a 50-year storm, but he thought Pelham does 25-year storm events. He said there would be several detention ponds spread out on this parcel. Mr. Passamonte asked if that holds true if he brings Pennichuck water versus drawing water out of the ground. Mr. Maynard said he is not drilling wells there. Mr. Passamonte said he is now adding water. Mr. Maynard said yes, he is adding to what is already there. Mr. Doherty said it is recharging the aquifer. Mr. Maynard said it is a recharge. Mr. Renaud said the point of retention ponds is to eliminate the water running downstream and it recharges the groundwater. Mr. Renaud said this, therefore, is not a negative impact to the aquifer.

Mr. Doherty asked Mr. Maynard if there was a stream there. Mr. Maynard said there is a channel in the center of the wetland, and it sees a decent flow in the spring. He said he has to have a zero increase in rate of runoff in these storms, so the detention ponds are split up to do groundwater recharge. He said the end result will be an increase in runoff over the lot line.

Mr. Bergeron said he is part of a conservation committee and he said they were affected by the BFI contaminants during the time when the high school couldn't drink their water. He said no source was ever identified, but when BFI was stopped from bringing in their materials, the chemical problem in the schools went away when they capped the landfill. He said it's been okay since and the schools are now on Pennichuck water. Mr. Bergeron said that was coming from a landfill close to this property and close to the aquifer conservation district that moves south towards Dracut. Mr. Bergeron talked about beaver activity in Massachusetts that has been affecting Harris Pond. He said this property is in the flood retention zone area on the maps and he said nothing has changed in the past 10,000 years. He said we need to safeguard that area.

Mr. Maynard said he takes this input and works that out. Mr. Renaud asked for another continuation to get past the large hurdles before this comes in as a plan.

Mr. Bergeron asked the chair if he wanted to take a consensus at this point regarding this plan.

Mr. Doherty said his thought would be either they make their building fewer units if they do something in the back or come up with some more land so they have enough acreage and are closer in line with zoning.

Mr. Culbert said he agreed with Mr. Bergeron on the septic and where that will go in the future.

Mr. Maynard said from a septic standpoint when he does large buildings like this, there has to be pretreatment. He said it may have to be replaced in 30-40 years naturally and he is a big fan of aeration systems, and that type of system seems to last longer and he would be leaning towards using that.

Mr. Doherty asked if Mr. Maynard would be pumping any of that septic load into the back parcel of land and would he also look into engineering wise a 2- or 3-inch-high pressure line as part of the wetlands crossing, so that could be put back there at a later date. He said if there were a failure in the front, that line would be there to the back. Mr. Maynard said he would probably put two or three in just as a standard or put them in a sleeve under the road so they could be pulled through. He said that can be added to the design. Mr. Doherty asked if he could look into that.

Mr. Montbleau said he was concerned with the potential contamination of the aquifer. He said everyone should rethink about what Ms. Masse-Quinn read. He said he is in line with a lot of what Mr. Bergeron said.

Mr. Lynde said that if he goes with what he is proposing, then there is no need to go over the aquifer. Mr. Maynard said the aquifer runs parallel and is part of Bridge Street. Mr. Lynde said there is no need to put

a road further into the property because he is focusing on putting the building on the front of the parcel. Mr. Maynard said correct and if they don't put anything in the back, there is no reason to cross it. Mr. Montbleau said the applicant builds a quality product and we wouldn't be ashamed to have that in our town. He said his project on Windham Road is of very high quality. Mr. Doherty asked if Mr. Maynard wanted to hear anything else from the board. Mr. Maynard said he has to sit with Mr. Gendron and talk about land. He said he wants to keep this conversation going as conceptual. Ms. Masse-Quinn read off the dates of upcoming meetings. Mr. Maynard said he could come back on July 18, 2022.

NEW BUSINESS

PL2022-00020 (Map 39 Lot 6-179) ACBS, LLC – A&B Moonshadow Drive – Seeking approval of a Special Permit to convert a newly constructed duplex to a condominium form of ownership.

Ms. Masse-Quinn read the list of abutters. Attorney David Groff introduced himself as well as Paul Marchand who is the manager of ACSB, LLC. Mr. Groff said this is a new duplex and Mr. Marchand would like to convert this to a condominium form of ownership. The septic design is in the file and has been approved and installed. It has a certification from a licensed septic installer that is sufficient and that there is usable land in case the system fails. He has given all of this information to the board and planning department. Mr. Lynde asked if there was a sound barrier between the two units. Mr. Marchand said there is a firewall and insulation. Mr. Lynde was concerned about there being a buffer between the two sides. Mr. Culbert asked if there was anything regarding pets for this condo. He talked about his own circumstance where he lives. Mr. Groff said yes, that is in the rules. He said there are limitations with size, number of pets, and farm animals being excluded. Ms. Beauregard said everything is in order.

MOTION: (Mr. Passamonte/Mr. Bilapka) To accept this plan for consideration.

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

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

MOTION: (Mr. Bilapka/Mr. Passamonte) To issue the Special Use Permit.

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

PL2022-00021 (Map 39 Lot 1-59-1) Curley & Doherty – 17 & 19 Mammoth Road – Seeking approval of a Special Permit to convert a newly constructed duplex to a condominium form of ownership.

Ms. Masse-Quinn read the list of abutters. Mr. Shayne Gendron from Herbert Associates introduced himself and he represents the owners of the property. He said he did all of the engineering for these duplexes for RJ McCarthy. He said Mr. McCarthy has already transferred these and realized they hadn't been presented to the board at that time. He said this plan has already been recorded and these units have been transferred. He said they wanted to take care of this portion and submit all of the paperwork. These units have a brand new, state-approved septic system that has operational approval. The plans have been recorded at the registry and the condo documents have been reviewed by town council and they are allowed to have one domesticated pet (either one dog or one cat). Ms. Beauregard said this plan is good and Mr. Gendron is good with us sending it to town council to review along with the plans and we can add that condition as we normally do to these.

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

MOTION: (Mr. Montbleau/Ms. Masse-Quinn) To accept this plan for consideration.
VOTE: (7-0-0) The motion carried.

MOTION: (Mr. Montbleau/Mr. Passamonte) To approve the Special Use Permit.
VOTE: (7-0-0) The motion carried.

PL2022-00022 (Map 39 Lot 1-59-2) RJ McCarthy Development, LLC – 21 & 23 Mammoth Road – Seeking approval of a Special Permit to convert a newly constructed duplex to a condominium form of ownership.

Ms. Masse-Quinn read the list of abutters.

Mr. Shayne Gendron from Herbert Associates introduced himself and he represents the owners of the property. This unit is complete and is ready to be transferred. It has a state-approved septic with operational approval. The condominium documents allow one domesticated pet per unit, and this is the same as the case he just presented.

MOTION: (Mr. Montbleau/Mr. Bilapka) To accept this plan for consideration.
VOTE: (7-0-0) The motion carried.

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

MOTION: (Mr. Montbleau/Ms. Masse-Quinn) To approve the Special Use Permit.
VOTE: (7-0-0) The motion carried.

Mr. Doherty asked the board if anyone had any objections if these cases came through similar to this in the future that we could take old business before new business so that we don't have people sitting around like tonight. Mr. Doherty said in the future he will talk with Ms. Beauregard about this.

Mr. Doherty said he's mentioned this before but would like to consider some zoning changes for these types of conversions. He said these could be handled within the planning department. He said these are not something they won't approve. Mr. Montbleau asked if we had already agreed to do this. Mr. Doherty said these changes have to be made through Zoning. Mr. Bilapka asked if it could be done through legal. Ms. Beauregard said it has to go through a public hearing whether it goes through zoning or a land-use regulation. Ms. Beauregard said right now it is in the old Pelham code but would want a public hearing for the change.

Mr. Doherty asked Ms. Beauregard if she could look at which section of zoning could be tweaked and could she ask the attorney for some language so we can have that ready for the board to discuss. He said maybe this winter it can be discussed and get it on the ballot, so these don't have to continue to go in front of this board.

Mr. Jaie Bergeron said these seem pretty cut and dry but was concerned about how they are opened to the public and wondered why they are doing that. He asked how that would work if it was done in the planning department. Ms. Beauregard said they wouldn't be able to do that, but it is really just a formality of a form of ownership and it is also considered a form of a subdivision of ownership. She will ask legal if it would be a problem if the public couldn't weigh in. Mr. Jaie Bergeron asked if they've ever had any public come in what could they really recommend.

Mr. Doherty said yes, we do and sometimes the public doesn't understand what is going on. He said it is just a simple change of ownership, but the public will come up with things that are not even related to that.

Mr. Bergeron said Ms. Beauregard talked about it, as well as the board did as a group. He said he was looking to make the planning department's work flow more easily. He said Mr. Jaie Bergeron brought up a great point. Mr. Bergeron said if this is agreed on then it would have to be voted on.

Ms. Beauregard said if it goes into the zoning ordinance it would have to go on the ballot and if it goes under the land use regulations, it would have to be a public hearing.

Mr. Bergeron said we would need some legal questions answered and need to find out about the public having input or not.

Mr. Doherty said he wouldn't believe the public could have any input that could change the way they are allowed to sell, as long as they meet the criteria. Mr. Bergeron asked how the other towns do it. Ms. Beauregard said she would find out.

Mr. Bergeron said the Master Plan has been meeting regularly and they have great representation. He said he would leave it up to Mr. Thomas to look for a consensus to make sure at the next meeting when they discuss natural resources that they make some solid entries in the Master Plan regarding the protection of our aquifers. He said they can back up with Master Plan language. He said Mr. Thomas would want to address that. Ms. Masse-Quinn agreed with that. Mr. Bergeron asked Ms. Masse-Quinn if there was enough time between the next Master Plan meeting and the next planning board meeting to get this board's consensus. Ms. Masse-Quinn said the next Master Plan meeting is this Thursday, so she didn't think so. Mr. Doherty asked what consensus Mr. Bergeron is looking for. Ms. Beauregard asked if Mr. Thomas wanted to get this board's opinion of natural resources to add to the discussion of the Master Plan subcommittee. Mr. Bergeron said that based on what Resilience is looking for from the subcommittee next meeting is natural resources and natural hazards. Ms. Masse-Quinn said natural resources, natural hazards. Mr. Bergeron said they want our input and he wanted to make a clear point about protecting our natural resources, which are open spaces and aquifers. Ms. Masse-Quinn said she has access to the draft form with the natural resources. Ms. Beauregard said they have the draft, and she is waiting for the final to come in. Ms. Beauregard said the next planning board meeting between now and then would be the 20th and they meet with Resilience again on the 23rd so they could have some information if they have time on the 20th for this board to discuss.

Mr. Bergeron said Mr. Spottiswood is an alternate to the board and he didn't know if they should formally come back and ask regular members if they'll agree with that. He said that we put a lot in about future preservation of open space and natural resources such as aquifers.

Mr. Doherty asked if we should get a consensus tonight if this board would put their faith in letting the subcommittee make the decision, then that would be all we would need to do. He said he has no problem with putting his faith in that subcommittee.

Mr. Bergeron said Mr. Spottiswood and Mr. Montbleau had a lot to say about the protection of the biomass and natural habitats and biomass inventories. Mr. Montbleau said yes and what kind of wildlife such as mammals, amphibians, reptiles and what their needs are and special breeding grounds are, and how to preserve them. He said a big thing now is with the conservation committee in town that is buying up a lot of land in town. He said these parcels contain lots of habitat for the wildlife. He said if we can identify the biomass in town and get an inventory of them and a baseline and then what they need. He said he's learned that they start with the raptors and if there is a healthy population of them then they can feel comfortable there is a somewhat balanced biomass. From his observations over the last 10-20 years in Pelham, we have a healthy biomass here. He said we have to protect that as well as the aquifer. Mr. Doherty said the grey heron is the one to watch for in the spring for a healthy biomass. He said there have been quite a few that have moved in over the last few years.

Mr. Bergeron said it's a balance of nature that affects all of us. Mr. Bergeron agreed with Mr. Montbleau on seeing a large number of raptors. He said we need to preserve that and feels the general public has support for this and once land belongs to the public, it will be preserved for future generations.

Mr. Doherty said that by them volunteering on the Master Plan makes a huge difference for the conservation and forestry to figure out what parcels to buy. Mr. Doherty asked if any member of this board had any objections to letting the subcommittee make decisions on the Master Plan for the remainder

of the board. Mr. Doherty said he doesn't object to this. Mr. Doherty saw no response, so that is an indication of letting them make the decisions. He asked them to keep us updated and said we are here to back them up.

ADJOURN

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

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

The meeting was adjourned at approximately 9:03 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary