

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES**

May 16, 2022

Chairman Tim Doherty called the meeting to order at approximately 7:02 PM.

Ms. Masse-Quinn called the roll:

PRESENT ROLL CALL:

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

**ABSENT/
NOT PARTICIPATING:**

Jaie Bergeron

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Regarding the May 2, 2022, meeting minutes; Ms. Masse-Quinn said on Line 73 to change the word ‘conversion’ to ‘conversation’. Line 76 regarding what David Groff said and Mr. Doherty said that Mr. Groff isn’t present, and to leave it as is. Line 119 to change the word ‘ownness’ to ‘burden’. Line 146, remove the word ‘until’ and add ‘to the’ and ‘meeting’.

MOTION: (Mr. Montbleau/Mr. Passamonte) To approve the May 2, 2022 meeting minutes as amended.

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

MOTION: (Ms. Masse-Quinn/Mr. Bilapka) Request for a non-public session per RSA 91-A:3, II, Section L.

ROLL CALL VOTE:

Mr. Doherty - Yes
 Mr. Bergeron - Yes
 Mr. Montbleau – Yes
 Ms. Masse-Quinn – Yes
 Mr. Passamonte - Yes
 Mr. Bilapka – Yes
 Mr. Cote - No

(6-1-0) The motion carried.

Mr. Doherty said that Ms. Beauregard will also be joining the non-public session.

MOTION: (Mr. Bilapka/Mr. Cote) To seal the minutes of the non-public session.

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

OLD BUSINESS

Case #PL2022-00009, Map(s) 7 & 8 Lot(s) 9-94 & 9-95, 9-96-1, 9-135-3 MENDES, David – 51 Hayden Road – Seeking approval to consolidate 4-lots and then to re-subdivide into 15 single-family lots.

Mr. Doherty said that this case had a request to be continued to the June 20, 2022 meeting.

Case PL2022-00006, Map 18 Lot 12-16 – 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.

Mr. Shayne Gendron introduced himself from Herbert Associates and he also introduced Attorney Panciocco, Mr. Peter Zohdi and Jeff Murphy from SFC Engineering. Mr. Gendron said at the last meeting they attended, they were asked to meet with the Highway Safety Committee, which they did back in March. Mr. Gendron said there was a letter included in the packets given to the Planning Board and that there was a general consensus with the project. Mr. Doherty said some information came in recently from Salem and Methuen. Mr. Gendron said he is aware of that and what is going on in Methuen. Mr. Doherty said some of the board members don't have copies of what he was looking at. Ms. Beauregard said she had given all members the letter from Jacob LaFontaine, the assistant planner from the town of Salem. Ms. Beauregard said there is a proposed conceptual project abutting this parcel in the city of Methuen. She said Mr. LaFontaine is hoping the communities can come together to figure out another connectivity solution. Mr. Cote said regarding the school's emails and asked if the schools would allow the buses to go through Massachusetts to get to this new road. Mr. Cote asked what the plan would be. Mr. Gendron said the buses would come through Salem on Brady Avenue. Mr. Gendron said the project in Methuen would be the parcels that include 212-127-33A, 212-127-35, the parcels directly to the south of their parcel. Mr. Gendron said they wouldn't have a problem putting a 50-foot right of way off to the south to give access to that property if that is something everyone wants to do. Mr. Doherty said that would be best for all the three towns to have connectivity. Mr. Doherty asked Ms. Beauregard if Salem was asking the applicant to go in front of them. Ms. Beauregard said yes they are and want to see this plan prior to Pelham making a final vote on it. Mr. Gendron said they've already reached out to Salem and they have a deadline of May 24th to make a submission. Mr. Doherty asked if they would also reach out to Methuen. Mr. Gendron said yes they would and even if Methuen doesn't move forward with that project, they could still put in the 50-foot right of way for future connectivity. Mr. Gendron said they

haven't submitted anything to Mr. Keech at this point, but they would like to submit them, get the escrow paid, and get the review process going.

Mr. Bergeron asked for the board's feelings on the private way aspect. Mr. Gendron said the proposal is for the road to be private. Mr. Gendron said these homes will have a homeowner's association and will take care of the road. Mr. Doherty asked how it would work if they did have connectivity through Methuen. Attorney Panciocco said the road would be built to town standards and the town could accept the road at some point if there were connectivity and if it wasn't there could be a dilemma. Mr. Bergeron asked if the road turns out to be private then each lot wouldn't have to qualify for 200-feet of frontage on a public right of way. Mr. Bergeron said this would have to go in front of the Selectmen if it's private and they would have to apply the building permit issuance on each lot because they're not on a Class 6 Road. Mr. Gendron said the Highway Safety Committee recommended the road to remain private. Mr. Bergeron said because they are private roads and the RSA is in the 674-41 group and asked if they would have to seek deeded covenants on each lot and this board can't do that. Mr. Bergeron said this board either recommends it or doesn't. Mr. Bergeron said either a private way or a public road can have their own advantages. Ms. Beauregard said she has confirmed it would require Selectmen's approval if it remained a private road. She said that approval goes with the holder of the building permit. She said if it was the developer, they could get that done all at once. She said if the lots are individually sold then each lot would need to seek permission from the Selectmen. Mr. Cote asked if they put in the right of way to Methuen, then why would that have to be for the town and why couldn't they keep it private. Mr. Gendron said it could be private and he doesn't know what that developer is doing right now and that his conceptual plans are over a year old. Mr. Gendron said it could be a gated emergency access that remains between the two properties. He said he couldn't speak on that project in Methuen. He said it wouldn't be a problem giving them the 50-foot right of way off of the cul-de-sac, as those two lots are over two acres and it would work. Ms. Masse-Quinn asked about the emails with Mr. McGee and asked how the bus company is supposed to get over there. Attorney Panciocco said they would go through Salem and they sent Mr. McGee a copy of the traffic letter done by Steve (unintelligible) that showed the different options through Salem. Attorney Panciocco said they talked about the bus stop being at the cul-de-sac on Beechwood. Attorney Panciocco said Mr. McGee had some hesitancy because he is not even sure there would be children in that neighborhood needing busing. Attorney Panciocco said Mr. McGee did say in an email and on the phone that they are committed to picking children up and are obligated to do so if they need to. Attorney Panciocco said that Ms. Mahoney showed data that only about half of the children in the town get bus rides to school. She thinks that Mr. McGee is just being hesitant to make any plans for something that may not be needed. Mr. Doherty opened it up to the public.

Mr. Matt Derosa introduced himself as living on 29 Beechwood Road in Salem. He said his neighborhood's perspective is about public safety for the current and new residents. He said that he doesn't feel as though the first response issues have been resolved. He said they were given a letter from SFC Engineering and he said it seemed as though there was some agreement between Salem and Pelham and he said that is not true. He said the applicant went to the Highway Safety Committee about a month ago and he said that Chief Midgley said that there is absolutely no agreement between Pelham and Salem outside of the normal and typical mutual aid protocols. Mr. Derosa said to Chief Midgley that it's not an agreement and to him, it looks like it would be forced upon Pelham and that is where the land is. Mr. Derosa said that based on the Highway Safety Committee opinion letter and both fire and police chiefs are recommending that a liability agreement be signed by the prospective residents of this subdivision. His opinion is that either town can't get there in time, so sign this liability agreement. He is disagreeing with what has been said about there being an agreement between Salem and Pelham. He said he hasn't heard how long it actually takes for response times. He said in speaking with Salem, they quoted the response time to the last home on Beechwood as an estimated 9 minutes, which they said was far outside the recommended 4-minute national standard. He said any extension to that road would extend the response time. He said he spoke with the deputy chief in Pelham and said he didn't have an estimated response time yet. He said he has clocked it from his own house and on average it is 14 minutes and 7.2 miles. He wanted to present that so the board could make an informed decision on what is safe. He said

that the sole access is through his street and he said it would be cutting woods, adding roads, and building 15 or more homes and he feels that would be a multi-year project. He said Beechwood just got its final pavement coat this year and it was put in 13 years ago. He said this neighborhood is densely populated with families and this neighborhood would be greatly impacted by the construction timeline, which he says could be 5 to 10 years. He asked what the ramifications would be for the residents if the road was to be private. He thought this was a very isolated neighborhood for the town of Pelham. He asked about the ordinance for a cul-de-sac in Pelham and how would that work. He asked that the board vote against this plan as presented and asked to see if the applicant can look at a different way to access this property where the Salem residents don't bear this burden. Mr. Doherty asked if Beechwood was private. Mr. Derosa said it is a public road, but the residents are supposed to be responsible for the storm drainage as part of an HOA.

Mr. Montbleau said that any drainage issues are yet to be determined, as it hasn't gone to the town's engineer. Mr. Montbleau said he doesn't interpret Chief Midgley's letter in the same way and he read that Chief Midgley is and will remain the primary first responder to this property and the decision has been made. Mr. Montbleau read that emergency services will be dealt with in the normal and typical mutual aid protocols. Mr. Montbleau said that Salem has already agreed to do a mutual aid. Mr. Derosa agreed that is correct, but he said nowhere in the letter does it state response times. Mr. Derosa said it doesn't mean Pelham can get there in a reasonable amount of time. Mr. Montbleau said Chief Midgley is clear and if there were any safety concerns, he would've written it and he has not done that. Mr. Culbert said there was a time when Pelham had to go through Dracut and that response time was 12 minutes. Mr. Bergeron asked which house Mr. Derosa lived in. Mr. Derosa said he is on the cul-de-sac to the south on the left. Mr. Bergeron said that his concerns will begin to be sorted out and that this is a regional impact. Mr. Bergeron said the builder has a schedule to meet with the Salem Board and he is anxious to see what they have to say. Mr. Bergeron said Pelham has had two of these types of situations prior. Mr. Bergeron said they can only proceed within the bounds of that subdivision in Pelham and we don't know what Salem is going to say about it. Mr. Bergeron said there will have to be some liability release that will have to be agreed on if approved regarding first response. Mr. Bergeron said it's not reasonable for the builder to build a bridge over a large wetland. Mr. Bergeron said they are trying to proceed with caution and would do their best. Mr. Bergeron mentioned a Fisher case in the past, that was similar to this case.

Ms. Deborah Anderson of 11 Surrey Lane, Salem NH, introduced herself. She said ditto to what Mr. Derosa said. She said her primary concern would be all of the cutting of woodlands up on the hill. She said all her wooded backyards are prime wetlands. She said you can't add more water to that and she has never had water in her basement and does not want any. She said she doesn't trust detention ponds and said they need to be maintained. She said nobody will be taking care of the detention pond. She said there are only three houses on Fisher Drive, so that is much smaller. She said the landowner is not willing to spend the money to build a bridge. She said it would cost the residents of Salem. She said she is the only house on Surrey that is an abutter. She said the water would drain down the hill into her backyard. Mr. Bergeron said they are trying to decide to send this out for peer review and her concerns would be addressed. He said all of that information is public. Ms. Anderson said she didn't receive a notice for this meeting. Mr. Doherty said that's because this is a continued case and she would have to check to see when the case comes up again. Ms. Beauregard said she could subscribe to the Planning Board page.

Mr. Jeff Freyer of 24 Beechwood Road, Salem, NH introduced himself. He said his concerns were the extended response times for safety. He said this is a community called Silver Brook Farms and it has been under construction for a long time now and there are lots of children. He said the speed limits have been reduced due to high rates of speed. He also said last year there was a child that was injured on the street.

Mr. David Ongori of 22 Beechwood Road, Salem, NH introduced himself. He asked why they can't access this through Pelham. Mr. Bergeron said the reason is the applicant sought relief from the zoning board, as he did not have access that fronts in Pelham. Mr. Bergeron said he needs 50 feet of frontage on Pelham to come through to this property. Mr. Bergeron said it abuts a large parcel of property to its west, but that is a major wetland complex there and the applicant was granted that relief. Mr. Ongori said his major concern is the increase in traffic and that will create safety issues. He said his family hosts disabled clients from the State in his house. He said these people walk around the cul-de-sac. He also asked if the buses will be dropping kids off at the cul-de-sac. Mr. Doherty said if there are children, then potentially they would be dropped off there. Mr. Doherty said there is no plan in place yet, as this development has not been approved yet. Mr. Ongori said he would be concerned about kids being dropped off in front of his house because of the noise and there might be fights that he would have to break up. Mr. Doherty said they didn't know yet, but they would look into that. Mr. Ongori asked that they do not vote for this and that they should build a bridge to access this. Mr. Doherty said he didn't know if the town of Pelham could drop children off in Salem or not and they will have to find that out.

Mr. Doherty closed it to the public. Mr. Peter Zohdi, with Herbert & Associates, introduced himself and said he did all of the subdivisions in that whole area. Mr. Zohdi said on the Garabedian subdivision, all of the abutters were worried about the traffic. He said he has not seen any traffic problems there and there were traffic studies done. Mr. Zohdi agreed that there are prime wetlands on Surrey and regarding the drainage (pre and post-development) water cannot leave a site even one cubic foot per second. Mr. Zohdi said he has already submitted this plan to the state of NH for alteration of drainage very closely. Mr. Zohdi said the only issue with the two fire departments was who would be the first responder. Mr. Zohdi said that Chief Midgley said that Pelham would be first. Mr. Zohdi said by the State of NH, other departments as soon as they get the alarm, they have to go to a fire. Mr. Zohdi said if this board decides to send it to Steve Keech, then at least they can get that part done. Mr. Zohdi said he would pay for that expense. Mr. Zohdi said eventually he may take over the subdivision in Methuen and there would be a connection between the two. Mr. Zohdi said they are going to Salem to discuss this with them, but the final decision will come from Pelham. Mr. Doherty asked Mr. Zohdi to address the 2,100-foot length of road and a waiver that was sought in Salem. Mr. Zohdi said Pelham is 2,400, Salem is 1,200 and he wants to see how many roads built in Salem were 1,200. Mr. Zohdi said when he did Beechwood everyone asked for a waiver. Mr. Zohdi said that is on the subdivision requirements as needing a waiver. Mr. Zohdi said this happens all the time. Mr. Zohdi said he has until May 24th to meet with Salem. Mr. Zohdi said he is trying to work with the Selectmen in Salem to bring water into this subdivision. Mr. Bergeron asked when Mr. Zohdi is meeting with Salem. Attorney Panciocco said June 14. Mr. Bergeron asked if that would be the first meeting with Salem. Attorney Panciocco said yes. Mr. Bergeron asked if the property to the south could potentially fall into his hands for engineering purposes and if that happened, he would encourage connectivity. Mr. Zohdi said that was correct. Mr. Bergeron said these things are now coming into focus and he said sometimes these things are slow-moving. Mr. Bergeron said it would be important to see what Salem says first.

Mr. Lynde said that Pelham ZBA decided to allow this to happen and asked how they could do that as they aren't in Salem. Mr. Doherty said that is why they will go in front of Salem. Mr. Doherty said in his opinion, that the Town of Salem would have to say the Town of Pelham can use their property to access this property. Mr. Doherty said he is reluctant to send this to Steve Keech before we hear from the town of Salem. Mr. Bergeron said he is a crossover member to the Board of Adjustment and he didn't sit on this case. Mr. Bergeron said the ZBA probably looked at the constitutionality of a taking where this property owner has some rights. Mr. Montbleau said that the abutter's concerns have raised some questions with him. Mr. Montbleau said he would like to see Steve Keech review this. Mr. Lynde said we shouldn't be spending any money until this is resolved with Salem. Mr. Montbleau said the applicant will be paying for this, not us.

Attorney Panciocco said that Salem does not own Beechwood Drive. She said the Beechwood Drive plan shows a right of way at the end of the cul-de-sac that was intended to connect to this parcel when this was approved by the Town of Salem. Mr. Cote asked if the town of Salem doesn't own that, is it a private

way? Attorney Panciocco said the road is a public road owned by the public at large and not just Salem residents or the people who live in the neighborhood. This is where the idea of regional impact comes from. She said the transportation network in this state is controlled by DOT and that includes local roads. She said the town of Salem would have a hard time saying you can't use Beechwood Road to go to this property. She said that would be illegal, as public roads are for the public. She said they can discuss the traffic or a problem with the road and that we could contribute to fixing that. She said this is very common in the State of NH, and that roads connect towns. Mr. Passamonte asked if it was a public road to the cul-de-sac, can the buses go down the private road into the new development. Attorney Panciocco said that question was presented to the superintendent and he wasn't sure how the bus company would feel. She said he would figure that out if he needed to. Mr. Passamonte asked Ms. Beauregard to let us know when she hears back about that. Ms. Beauregard said Mr. McGee would answer that once this plan has approval. Mr. Doherty commented that delivery drivers can go into these private neighborhoods, so he feels that buses carrying children could also. Mr. Lynde asked if they still need permission to connect to that road to Pelham. Attorney Panciocco said no, they might have to do some work at the end there. She said they would need Salem's inspections, but they can't say you can't cross that line. Mr. Doherty asked if there would be another waiver to extend the cul-de-sac further, but he's not sure that would be needed. Attorney Panciocco said Salem said their review would be limited to Beechwood Road itself and not the parcel in Pelham. Mr. Doherty asked that board what their thoughts were about sending this to Steve Keech.

MOTION: (Mr. Cote/Mr. Montbleau) To send this plan to Steve Keech.

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

Mr. Bergeron said it is highly likely there would be a connection to the Methuen property to the south and that Steve Keech should be informed of that and that this should only be a preliminary review.

Mr. Cote asked what he would want to limit on the review. Mr. Bergeron said Steve Keech wouldn't do a total review, only a preliminary review of the topical restraints or lack of and how Mr. Zohdi's firm has designed the retention ponds. Mr. Doherty said this plan is beyond preliminary. Mr. Bergeron asked what the drainage would be. Mr. Zohdi said it would be underground. Mr. Bergeron said he's sure the topography drops off to the south. Mr. Zohdi said yes. Mr. Cote asked why he wanted the review to be limited. Mr. Bergeron said this is not a final draft.

Mr. Zohdi asked to be date specified to come back on June 20, 2022, to review the plan at that point.

Case #PL2022-00019 Brengio Realty Trust – 1 St. Margaret's Drive – Seeking approval of Special Permit for newly constructed replacement 3-family building conversion to a condominium form of ownership.

Ms. Doherty appointed Mr. Culbert to vote on this case. Ms. Masse-Quinn read the abutters.

Mr. Kurt Meisner introduced himself with Meisner Berm Corporation, representing Brengio Realty. He also introduced George Kenny, the owner, and builder of the property. Mr. Meisner said this property is one acre and there are three units in this structure. There is an on-site well and an on-site septic system. The septic system is new, state-approved, and redesigned. This property previously had a three-family home on it. They are looking to make the form of ownership on these units to be in a condominium form.

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

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

Ms. Masse-Quinn asked if this is the same square footage as the home that was there before. Mr. Meisner said no, it is bigger now and it was squared off to make a perfect rectangle. Mr. Passamonte asked what the septic was designed as. Mr. Meisner said it is for 6 bedrooms.

Mr. Doherty opened it up to the public.

Ms. Eileen and Mr. Charles Curtis, 4 Orchid Lane, Pelham introduced themselves as abutters. Ms. Curtis said this was the first time they'd heard about this. Mr. Doherty said this meeting is only for a form of ownership and nothing else. They are before this board to make these three units into condominiums, and not to be rental units. Ms. Curtis asked if this special permit would allow her other neighbor to sell their house and build condominiums. Mr. Doherty said the prior structure here was a three-family home before. Mr. Curtis asked if that was grandfathered for that lot. Mr. Doherty said yes. Mr. Curtis said the previous owner rented apartments out of her home. Ms. Beauregard said they researched their records and she said it was a three-family home dated as far back as the records could go. Mr. Curtis said his concern is the septic and they are behind this lot at a lower grade and what would happen if the septic failed. Mr. Curtis's concern is about the water also and where it is coming from. Mr. Curtis asked if they could talk to the builder. Mr. Doherty said they could talk to the building department or the builder himself. Mr. Doherty said this board had nothing to do with this development until this point. This board will make sure the septic design meets standards and would allow them to make these units condominiums. Mr. Curtis said they are doing a great job. Ms. Beauregard said they put in a brand new, state-approved septic system. Mr. Doherty said it is an enviro septic system, which is a good one. Mr. Curtis said his neighbor said all of the trees are now gone and they can see directly at the three new patios in the back of these units. Ms. Curtis said at the beginning of the building there was water pointing down towards their yard and they were concerned. Ms. Curtis said she just didn't want any problems with their property later on.

Mr. Doherty closed it to the public. Mr. Bergeron said the septic is designed for 6-bedrooms. He said this house sits on a 1-acre, where normally it would need 3-acres. He is asking for the board's concurrence that in the HOA documents they are definitely recorded as 2 bedroom only units and not ever to become 3 bedrooms. Mr. Bergeron said for the neighbor's benefit to make sure the water is tested and gets monitored, as this sometimes can happen with a runaway septic system. He also said there should be instructions in the documents on how to care for a private septic system. He said in his opinion, this form of ownership results in a better quality of ownership. Mr. Bergeron asked if the well radius is 100 feet from all of the abutter's wells. Mr. Meisner said the loading required them to go to a 100-foot radius and that is the existing well on the site. Mr. Meisner confirmed that they are 100 feet out from any other well.

MOTION: (Mr. Cote/Mr. Passamonte) To issue the special use permit subject to the conditions noted and reviewed by town council.

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

Ms. Beauregard read off the special conditions as follows: Condominium documents and plans received to be reviewed and found satisfactory by town council prior to recording. Mr. Bergeron wanted to add that they will only be 2-bedrooms. Ms. Beauregard said that would have to be added in the agreement that they will be limited to 2-bedrooms each for a total of 6 bedrooms.

Case #PL2021-00006 (2) SBJ Landholdings – Map 22 Lot 8-117- 13 Main Street – Request for a 120-day extension of approval for: Site Plan & Conditional Use Permit to construct a proposed 60'x80' commercial building along Main Street and construction of one 6-unit residential building in the mixed-use zoning district (MUZD). Original approval was May 17, 2021, applicant needs more time to meet conditions of approval.

Mr. Joe Maynard from Benchmark LLC introduced himself on behalf of SBJ Landholdings for this extension request. Ms. Masse-Quinn read the abutters.

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

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

Mr. Bergeron said he can't vote on this as he is a blood relative to one of the owners.

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

Mr. Doherty asked why they are only asking for a 120-day extension. Mr. Maynard said they could have it all together in that timeframe to wrap this up.

Mr. Doherty opened it up to the public. No one spoke.

Ms. Masse-Quinn asked if the height on this was 30-feet. Mr. Maynard said it is whatever is allowed in that MUZD zone. Ms. Beauregard said everything looked fine.

MOTION: (Mr. Cote/Ms. Beauregard) To approve the extension.

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

Mr. Cote said that would be September 14, 2022.

PL2022-00017 Map 29 Lot 7-268, 155 Bridge Street, LLC – 155 Bridge Street (Citizens Bank) – Seeking approval of a Site Plan Application to bring the parking access aisle and accessible route into the building, into compliance with the 2010 Americans Disabilities Act (ADA). The current slopes are well above 2%.

Ms. Masse-Quinn read the abutters.

Mr. Bruce Bisbano introduced himself as the architect for Citizens Bank for this project. This project is part of the Citizens Bank ADA program, which is nationwide. It establishes upgrades to all properties, exterior and interior. This site has 24 parking spots and there are 2 spaces that serve the ADA area. That slope is at 5%. He said behind that is the drop-off to the intersection, so that would be dangerous. This plan is to reposition where the current ramp is and change the current entrance. He showed on the plan the orange and yellow areas and their sloping percentages. They will do concrete paving for the handicapped parking areas.

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

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

Mr. Doherty opened this to the public. No one spoke.

Mr. Culbert said as long as it has handicapped doors, he is good. Mr. Bergeron asked if there would be any physical changes to the entry and exit doors. Mr. Bisbano said there would be a new set of automatic door operators with push buttons being installed. Mr. Cote asked the question of does it need to go to Steve Keech for review. Mr. Bergeron said he is aware of this property and said he is correct in all of his slope calculations. Mr. Bergeron said the biggest change would be the electric doors and Steve Keech wouldn't have any say with that. Mr. Cote would be fine not sending it to Steve Keech.

Mr. Culbert said he is up to date on ADA and this is conforming. Ms. Beauregard asked if they would repave the entire lot. Mr. Bisbano said no, this is strictly limited to the scope and there would be paving on the affected areas only.

MOTION: (Mr. Passamonte/Mr. Culbert) To approve this plan.

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

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 Variance Case #ZO2021-00001-CR granted Feb. 14, 2022.

Ms. Masse-Quinn read the abutters.

Mr. Joe Maynard from Benchmark, LLC introduced himself along with Mr. Bill Renaud of Reno Properties. Mr. Doherty said this is a conceptual plan to see what is being proposed and to get some feedback from this board.

Mr. Maynard said this property is in the B5 zone and has about 40 acres total with a single-family home existing on it. The soils are sandy with deep water tables and a wetland that breaks the property up into 3 usable areas. The first area is where the existing house is, the second is adjacent to Rt. 111 and the third is to the northwest side of the lot. Some of the property falls within FEMA's 100-year flood plain, but those maps have an elevation assigned to the northwest and northeast. The maps show where they think the floodplains are, but he thinks those are incorrect and they are working on getting those maps amended with FEMA. This previously went before the zoning board to develop the land as a 90-unit workforce housing project. Mr. Doherty asked what would flood on this property, would it be Golden Brook? Mr. Maynard said he thought it would be the brook that goes to Golden Brook, that goes under Rt. 38 to Balcom Road and goes down to Golden Brook. Mr. Maynard said the portion that appears on the flood map is on the northeast of the site and there is a large sand knoll on it. Mr. Maynard said according to the FEMA maps, that knoll is underwater, but clearly, we can see that it is not. Mr. Maynard said they need to file with the Federal Emergency Flood Association to get a letter of map amendment, which is a drainage analysis. He says this would be typically accepted and then the maps would get updated. Mr. Maynard said this was presented back in February of 2021 and that plan was denied by the zoning board. This plan went to the housing appeals board at the state level and was remanded back to the zoning board, where the property received the variance for up to 90 units. At this time, Mr. Renaud has a Purchase and Sale agreement on this property. The initial work wasn't for this developer. Mr. Maynard said this is a new concept and proposal. They are looking to develop the land in two phases. The first phase is to construct one multi-family building with 66 units, with the 80/20 split of the market to workforce. That means 53 units would be market rate and 13 would be workforce units. This building would be on the northeast side and it is zoned B5 district, which allows a building height of 40-feet in structure. The plan has 138 parking spaces, which would give each unit 2.1 spaces. They are looking to design a detention pond. This project would utilize Pennichuck water from Main Street. There will be some form of an offsite improvement required by DOT. The building will be serviced by on-site septic systems. The land for this has a certain gallons per day that the state will allow for the number of units. This property would be allowed a little over 33,000 gallons per day. They are looking to develop Phase I, for the 66 units would be 19,800 gallons per day, which would leave 13,500 gallons per day for the Phase II portion. Phase I will require a small dredge and fill where the entrance would be on Rt. 38. Phase II is the other side of the brook and to get to this land there would have to be a much larger dredge and fill area to get across the wetland complex. That area of the crossing would be about 300-feet in length to get to the backside. At the state level that involves the ARM fund, which is a fee-based program. When you dredge and fill over 10,000 s/f you have two choices, either pay into the ARM fund or a different piece of property can be offered, but that may not always be accepted. They are looking to do the backside of this land with more commercial development. They have no fixed plans for that yet. Mr. Renaud is currently working on a similar project on Windham Road and is very familiar with the MUZD zone and the housing in this area. Mr. Maynard asked for the board's input. There will be a lot of permitting and design to do on this before they come back to this board, but he wants to be proactive with the design and development.

Mr. Cote asked if the ownership of these units would be ownership or rental. Mr. Renaud said they would be 100% rental. Mr. Cote asked about putting a traffic light in. Mr. Maynard said DOT makes that decision if a traffic light is allowed or a right turn lane. Mr. Maynard said ultimately it may be two separate curb cut permits. Mr. Cote asked what he is basing his septic load calculations on. Mr. Maynard said he is using about 30 acres, based on DES's loading calculations depending on the number of bedrooms each unit has. Mr. Maynard said that is based on the type and slope of the soils and it depends on the state guidelines for how many gallons a day they can use. Mr. Cote asked if they would bring the waterline through the wetlands or if they would bring it down Main Street to Bridge Street and 'T' it off. Mr. Maynard said they are looking to bring it down Main Street to Rt. 38 and then a 'T' and a stub left

there towards Massachusetts and it will turn and run down Rt. 38 towards this project. Mr. Cote asked if they would dead-end the stub coming into their property and potentially get it extended down further. Mr. Maynard said they will stub it right there and put a 'T' and a blow-off valve there.

Mr. Passamonte asked why are they only using 30 acres and not the 44 acres. Mr. Maynard said the Gendrons want to retain 14 acres with their existing property and house. Mr. Passamonte said he is seeing 44 acres to be used, but in reality, there are only 30 acres and he wants to see that cleaned up. Mr. Maynard said he is using the 30 acres only for all of his calculations. Mr. Passamonte said before the ZBA it was mentioned as 44 acres. Ms. Masse-Quinn asked to clarify if they are doing 13 units, 2 bedrooms for workforce housing, which would be 26 bedrooms. She said then the 53 market-rate units are 2 bedrooms and Mr. Renaud said correct. Ms. Masse-Quinn said that is a total of 132 bedrooms, and not 130 bedrooms. Ms. Masse-Quinn said Mr. Renaud said this new plan will benefit the town of Pelham and the surrounding area. Her question to him was why is he only giving 13 units to workforce housing and would that really benefit the town and could he give more? Mr. Renaud said that is based on the affordability of the project. Ms. Masse-Quinn asked if he was financing this through the Affordable Housing program. Mr. Renaud said no. Ms. Masse-Quinn asked if he could offer more units for workforce housing. Mr. Renaud said he would have to look into that and after running numbers, this is the minimum amount to make this project feasible with the water main extension and DOT expenses. He said the 80/20 split is a standard thing and there could be more, but the market rate number would have to go up. Ms. Masse-Quinn said there could be more and she asked what the monthly rent would be for the 13 workforce housing units. Mr. Renaud said roughly \$1500.00 and Mr. Maynard said roughly \$1400.00 something. Ms. Masse-Quinn asked if that included utilities. Mr. Maynard said it does not. Ms. Masse-Quinn said according to the workforce housing statute, once you do the breakdown according to their percentages and that includes utilities. Mr. Renaud said that would be a different rate with utilities included or without. Mr. Renaud said if this project moves forward, he would get exact numbers. Ms. Masse-Quinn said that would be based off the HUD AMI and Mr. Renaud said correct. Ms. Masse-Quinn said that would be \$122,400.00. Mr. Renaud said these are only rough numbers right now.

Mr. Cote asked if the land would be subdivided at some point and he asked if the rental prices change every year when the HUD comes out with their numbers. Mr. Maynard said yes, in April. Mr. Cote said that these people's rents would change every year. Mr. Renaud said correct and sometimes people do not qualify at certain points per the state guidelines. Mr. Renaud said he would monitor that. Ms. Masse-Quinn said the rentals have to be submitted to the state year to year. Mr. Renaud said correct.

Mr. Culbert asked if they would have two curb cuts there. Mr. Maynard said it would be the same cut, but he would have to do it in two parts. Mr. Culbert asked where the handicap parking spots were. Mr. Maynard said they are shown on his plan and he has 8 spots. Mr. Culbert asked if Pelham has a fire truck to reach a four-story building. Mr. Maynard said the zoning for this area is 40-foot height and this building is 40 feet high or less. Mr. Renaud said there is a letter in the packet from a third-party life safety engineer regarding that question. Mr. Renaud said he has already had conversations with Mr. Hodge regarding this and he gave Mr. Hodge that report. Mr. Renaud said that one stairwell will go to the roof, per code. Mr. Renaud said there are other ways to provide access for the fire department. Mr. Culbert said Mr. Renaud needs to talk with Mr. Hodge and get a letter from him. Mr. Renaud said he understood. Mr. Culbert said one stairwell is not good enough for him. Mr. Maynard said this building will also have sprinklers due to its size and construction. Mr. Passamonte asked what the total acreage is for the front property. Mr. Maynard said around 7 acres and asked how much is upland or in general? Mr. Maynard said roughly 7 acres. Mr. Passamonte asked him if it was 6 or 6.5? Mr. Maynard said it might be 6.8 or just about 7 acres.

Mr. Lynde said there are 44 acres, 30 acres are set aside for workforce housing, and asked how many acres the Gendrons would keep. Mr. Maynard said there are 30 acres set aside for the workforce housing and future commercial development allowed in the B5 zone. Mr. Maynard said the Gendrons would keep 14 acres with their current home on the southwest side of the property. Mr. Lynde doesn't understand how he can add other things in there that are not housing. Mr. Maynard said it is off a 'gallons per day' calculation and the 30-acre piece of the property can support 33,300 gallons per day. The 66-unit

building is 19,800 gallons per day, and that leaves 13,500 gallons per day for Phase II of the project. In B5 commercial uses, 13,500 gallons per day would go a long way from a sewage loading capacity standard, as long as it's not a restaurant. A typical industrial unit uses about 300 gallons per day. Mr. Lynde said the thing is, they are allocating 30 acres for workforce housing, but they're saying the same acreage can be used for other things at the same time. Mr. Maynard said yes. Mr. Lynde said he wasn't aware they could do that.

Mr. Doherty opened it up to the public.

Mr. Tim Stauble from 2 Linda Avenue introduced himself and said he is opposed to this project due to the number of cars and traffic driving on Rt. 38. He said he doesn't agree with this and that is his opinion.

Ms. Lisa Corbin of 655 Bridge Street introduced herself as an abutter and her house is shown on the map. She said this project is going directly behind her house. She said she has talked with Mr. Renaud about the project. She doesn't know what is going to be built back there. She is concerned about the traffic on Rt. 38 and the speed limit. She feels there should be a traffic light there and a reduction in the speed limit. She is curious to see what will be offered going forward.

Mr. Doherty closed it to the public. Mr. Lynde asked if this property includes the power lines. Mr. Renaud said no. Mr. Doherty asked if he plans on pumping the septic load from this area onto the Phase II area. Mr. Maynard said no and he's already roughed the septic out. He shows them on his plan indicated by yellow squares. It will be a complex system with a dosing system rotating through the fields. He ran it by DES and they are in favor of his setup. Mr. Doherty said he is going to be putting a massive septic load on a small piece of dry land and this is sitting on top of an aquifer. Mr. Maynard said the state uses nitrate setbacks when there are large fields like this. Every site proposed on this plan meets the minimum if not more than what the state standards are for state setbacks. They've already considered that for that side of the property. This is an aeration system and it is all under the state guidelines for nitrate setbacks. Mr. Doherty asked how many tanks the building would have. Mr. Maynard said it will have multiple tanks depending on capacity. There will be multiple pump stations and probably about 12 different tanks before it gets to the pumping station to handle the number of gallons per day. Mr. Doherty asked if he was aware the board created zoning that definitively allows workforce housing in all of the districts. Mr. Doherty said they set a number in the business and residential districts based on square footage. Mr. Maynard said he was unaware that was adopted. Mr. Doherty said it was voted on the ballot this past spring and said he needs to look at that. Mr. Doherty said he might have to give up the remainder of the wetlands on the 14-acre part to meet the units that he is proposing. Mr. Maynard asked if when the zoning board's remand said this could do up to 90 units, then would that supersede this being that it was tied up in litigation. Mr. Doherty said no it wouldn't, as this was in the conceptual phase at that time. Mr. Doherty said they meet what the HAB (Housing Appeals Board) said and they created a subcommittee and put that on the ballot. Mr. Doherty said they came up with 10,000 s/f per unit and he told him to do the math for the 66 units. Mr. Maynard said he wasn't sure how that would affect that, as this already received zoning's decision, but he will look at that. Mr. Doherty said it is also now under innovative land use and he won't have to deal with the ZBA anymore.

Mr. Bergeron asked if he was basing his load on the 30 acres and not the 14 that are being subdivided off. Mr. Maynard said his calculations are based on 30 acres. Mr. Bergeron referred to the table of dimensional requirements and where it's specified the calculations to be used. Mr. Bergeron asked him how many bedrooms he currently shows. Mr. Maynard said 132 bedrooms. Mr. Bergeron said he's exceeded the total amount allowed on the entire property without any Phase II development. Mr. Bergeron made a reference to if there is a discrepancy between the total number of units between the zoning board and the planning board, then the planning board's decision shall control. Mr. Doherty said that was one of the reasons they spent working on this last year to make sure they comply with the HAB. Mr. Doherty asked Mr. Maynard to check his numbers. Mr. Bergeron reminded the group and read the last section (III) of that statute to the board. He reminded us that this board has that statute on our side, and he said to pay close attention to the underlying district being in a floodwater receiving area and

directly over an aquifer/conservation district. He said this is a very sensitive area and to be careful with his calculations.

Mr. Cote asked if they had any ideas for Phase II that they could share. Mr. Renaud said they are looking for input and have spoken with some groups already. He said there is demand for rental property in this town. He said open space and community involvement are key for the back portion. He said possibly create fields or walking trails, but that is being hashed out still. Mr. Cote thinks this looks better than what was previously before the board. Mr. Cote said one of the biggest things was the backside of the property putting a stub in for more development later. Mr. Renaud said they don't need a second way out and will try to do whatever benefits the town. Mr. Doherty said self-storage units could be an idea, as there is no septic load with that.

Mr. Culbert asked what groups he's talked to. Mr. Renaud said he would share that once it becomes more concrete. Mr. Lynde asked if the land between Phase I and II were wetlands. Mr. Renaud said to cross over, yes, there are wetlands and there would have to be about a 300-foot crossing. Mr. Doherty said it's considered wetlands, however, it's very dry. Mr. Renaud would not develop those wetlands. Ms. Masse-Quinn shared the same concern as Mr. Bergeron regarding this being over a large aquifer. She wants to make sure the public health and welfare of our residents are protected. Mr. Renaud said they would follow all the state's strict guidelines. Mr. Bergeron mentioned the density standards for workforce housing under the new zoning. Mr. Bergeron said we are on par with other towns in NH that have adopted these zoning ordinances for workforce housing.

Mr. Maynard knows there are concerns with the fire department, and the section of zoning, and he would like to pin down more and asked if they could get continued to the next meeting regarding those issues.

Mr. Maynard wants to be on the same wavelength before he does all this work. Mr. Doherty asked if he wanted to do another round of conceptual. Mr. Maynard said yes. Ms. Masse-Quinn said the next meeting is on June 6, 2022. Mr. Doherty said the abutters will not be re-notified for the second conceptual hearing, but once the plan becomes a regular plan, the abutters will be notified.

DISCUSSIONS

Mr. Thomas said the Master Plan is moving along. He said there is a meeting tomorrow with members of the community regarding the upcoming meeting with the state regarding water. The state meeting is Wednesday at 9:00 AM and is about possibly getting a grant to do a feasibility study on the access of water in Pelham.

Mr. Thomas said the Master Plan is on target and they still have to deal with getting the school committee involved.

Ms. Masse-Quinn said Troy Bressette will be their representative for the Master Plan subcommittee.

ADJOURN

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

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

The meeting was adjourned at approximately 10:32 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary