

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
November 21, 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
Kevin Cote – present
Hal Lynde – present
Paddy Culbert - present
John Spottiswood – present
Bruce Bilapka - present
Joe Passamonte – present
Jenn Beauregard - present
Jen Castles – present

ABSENT/

NOT PARTICIPATING:

Samuel Thomas
Jaie Bergeron

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Regarding the minutes from the November 7, 2022 Meeting, Mr. Lynde requested the following to be changed: line 55, change ‘raised’ to ‘razed’ and line 227, change ‘raise’ to ‘raze’.

MOTION: (Mr. Montbleau/Mr. Passamonte) To approve the minutes as amended.

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

NEW BUSINESS

Case PL2022-00032 – CUNLIFFE, Todd – 27 Gumpas Hill Road – Seeking approval of a conditional use permit for a 2-bedroom accessory dwelling unit that will be located on the second floor of a newly constructed detached 3-stall garage, on a 2.3+ acre property.

Ms. Masse-Quinn read the list of abutters. Mr. Todd Cunliffe introduced himself as the owner of 27 Gumpas Hill Road and he said he is looking to install a 3-car garage with an apartment above

it. Mr. Doherty asked for some details. Mr. Cunliffe said the garage will be at the end of his driveway and to the left of his house. Mr. Doherty asked how far from the street was his house now? Mr. Cunliffe said 1000 feet and you can't really see his house from the street. Mr. Culbert asked if he would have his septic approved and /or improved? Mr. Cunliffe said it's already been approved by the State, and it's been improved. Mr. Doherty said that's in the package and has been approved by NHDES on 10/31/22. Mr. Doherty asked if the means of egress would be through the garage? Mr. Cunliffe said there will be a main door on the side of the garage that will lead into the garage. Mr. Culbert asked if there is a deck and a double window as a second egress or a deck? Mr. Cunliffe said yes and that's the second egress. Ms. Beauregard asked if they were replacing the current system with this new system? Mr. Cunliffe said yes. Ms. Beauregard said that's good and everything else they seem to meet. She said the building inspector reviewed the plans. She just wanted confirmation on the non-hydric soils and the slope and asked them to get that for her and then they'll meet all of the criteria. She said their engineer could get us that information. Mr. Doherty asked if there were any wetlands on the lot? Mr. Cunliffe said no. Ms. Masse-Quinn asked if this was under 1000 s/f? Mr. Cunliffe said yes, it is 975 s/f. Mr. Lynde asked if he has 200 feet of frontage? Mr. Cunliffe said yes. Mr. Doherty asked where the well is? Mr. Cunliffe said it is in the front of the house. Mr. Montbleau said these plans are very comprehensive for a detached ADU.

MOTION: (Mr. Montbleau/Ms. Masse-Quinn) To accept this plan for consideration.

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

Mr. Doherty asked if the board voted to approve this permit, could we do that with a notation of them showing the non-hydric soils don't exceed 45,000 s/f? Ms. Beauregard said yes, they can work with them on that.

Mr. Jim Bergeron said he doubts there are any hydric soils on this property. He asked why his tax map shows this part of the road is private? Ms. Beauregard wasn't sure, and she could look into it. Mr. Jim Bergeron asked if the town plows the road? Mr. Cunliffe said yes, right up to his driveway.

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

MOTION: (Mr. Passamonte/Mr. Bilapka) To grant a conditional use permit pending the applicant demonstrates to the building department they have at least the 45,000 s/f of non-hydric soils.

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

Mr. Cunliffe said he would get his engineer to show that he has 45,000 s/f of non-hydric soil.

Case PL2022-00033 – GRENON/MATTE, Gerald/Jeanette – 26-28 Nashua Road – Seeking approval of a special permit for conversion of an existing duplex to a condominium form of ownership.

Mr. David Groff introduced himself representing his client, Mr. Grenon, who is one of the owners.

Ms. Masse-Quinn read the list of abutters.

Mr. Groff said this is an existing duplex and they want to convert this to a condominium form of ownership. It has a functional septic system and there is a certification from septic designer, Lee Kavanaugh. The septic is old but is still functioning and there is sufficient land available if a replacement is needed. There is a good deal of separation between the septic and well. The property is large enough to support the project.

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

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

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

Ms. Beauregard said this plan is all set to go and Mr. Groff knows what he is doing, as he does a lot of these.

MOTION: (Mr. Passamonte/Mr. Montbleau) To approve the conversion and grant a special permit for the conversion.

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

DISCUSSION

PL2022-00037 – PRUDHOMME PROPERTIES, LLC – 9 Main Street – Conceptual plan to allow a residential unit on a parcel with commercial use in the MUZD district.

Mr. Joseph Maynard introduced himself with Benchmark, LLC representing Jean Prudhomme, the property owner and his son, Alex. He said this property came before the board in 2018 and this is in the MUZD district. This lot off the back side has residual land when they did the front part. They always planned on doing something in the back. There's still about 1200 gallons a day of sewer loading capacity to the property. Mr. Prudhomme's son would like to move here and develop the rear portion of the property with a single-family dwelling. They would end up condo-minimizing the site so it would be under its own ownership off the back. The home would be colonial in nature and single-family. He wanted comments from the board tonight.

Mr. Doherty asked what the front building's occupancy was? Mr. Maynard said it was permitted for office, retail, three 1-bedroom apartments, but only 2 were constructed. There was a restaurant use and a barber shop with that. His understanding is now the rest is just office space.

Ms. Beauregard said the memo in the packets doesn't make sense and it's not accurate. They are looking to do a one, residential single-family house in the back.

Mr. Maynard said the front building was razed down and rebuilt as it previously was.

Mr. Culbert asked if it would be a condex? Mr. Maynard said the property is currently under one owner, Mr. Prudhomme and in order for his son to get financing, he will have to make it a condominium. It will be a defined area in the back with a condominium unit, so the ownership

can go to Alex so he can get a loan. The units in the front won't become condo-minimized, but the land itself will be broken into two parts.

Mr. Culbert asked him to come up with some better landscaping.

Mr. Maynard said the front is landscaped and this new house will be in the back and there are existing woods in between the parking lot and this new buildable area. There won't be any new proposed landscaping around the current building. The new house will have landscaping in the plan. The house won't really be seen from Main Street, as it will be far back.

Mr. Montbleau asked about the property to the right of the driveway easement and who owns that? Mr. Maynard said it's part of this and as part of the drainage measure for the front building and that detention pond was sized for future buildout of this lot. The pond is oversized for what this project will be.

Mr. Passamonte asked if anything is being proposed on the other side of the retention pond? Mr. Maynard said no, there's flood plains associated with that side, plus the pond blocks any access to that area.

Mr. Montbleau asked about the land across from the proposed new house and the new building that was built, did they come in with plans for that? Mr. Maynard said they did get site plan approval for 6 apartment units, plus a 4800 s/f commercial building. He said that is a separate owner.

Mr. Maynard said Mr. Prudhomme owns the building to the left of this structure and lives there and his wife operates a business there and there's another apartment there as well.

Mr. Doherty said in the MUZD, we're allowed one residential structure with different uses, and he assumes he can do this under the zoning. He said if they put in a residential only, they will be limited to that. Mr. Maynard said yes, it would eat up a lot of the space but would not eat up his sewer loading capacity. This would be just a single-family house.

Mr. Doherty asked what the size of the lot would be? Mr. Maynard said there's 1.9 acres and there's an acre and a half on this side of the road where this house would sit.

Mr. Doherty said accessory dwelling units are allowed in this use. He asked Ms. Beauregard if there is enough load capacity to put an accessory dwelling in it at some point?

Mr. Maynard said he has 1200 gallons a day, excess, sewer loading outside of what's already been permitted. If Alex builds a 3-bedroom house, that's 450 gallons, which leaves 800 gallons left of sewer loading capacity. He doesn't think Mr. Prudhomme plans to do anything else with the lot. He said a restaurant use was permitted in this building, but that didn't happen so there's additional capacity not being used on the front septic now. Mr. Maynard said at some point, they may make the parking lot bigger, but no other expansion.

Mr. Doherty asked where the house parking would be? Mr. Doherty said on its own driveway and garage off of Beaver Brook Drive.

Mr. Jim Bergeron asked about the driveway easement and if that was an issue? Ms. Beauregard said this easement is on his property. Mr. Maynard said he owns the underlying land. Mr. Jim Bergeron asked if this driveway was plowed by the association further down? Mr. Maynard said yes, they do. Mr. Prudhomme said there's been discussion of them splitting the cost after the other projects go in. Mr. Jim Bergeron said it's working now.

Mr. Doherty asked if he would face the house towards the driveway? Mr. Maynard said yes.

Mr. Doherty asked if it would be colonial looking? Mr. Maynard said yes and when they come in next, he would have a sketch. Mr. Jim Bergeron said everything presented has been exceptional for the MUZD district intent.

Mr. Doherty said it seems like a go. Mr. Maynard said he would get a plan into them.

DISCUSSION

Mr. Doherty asked if the next meeting was a public hearing? Ms. Beauregard said it's scheduled for December 5. If there's a lot of work that needs to be done, we can shift the dates and it'll be up to the board. She said they could potentially do the first public hearing at the second meeting in December if there's a lot of things that need work. She said whatever language comes out of tonight's meeting has to be posted Wednesday to make the first public hearing. She said also changes can be made at that first public hearing.

Mr. Doherty said we'll start with 307-41, Special provisions. He said we've been working on changing setback, for the 25-foot to 50-foot and the 50 to 75-foot to more coincide with what the state has in their guidelines. Mr. Jim Bergeron said it's in the code of administrative rules.

Mr. Doherty read about the residential and commercial septic leach fields must be setback from wetland conservation the following distances. Poorly drained soils should be at 50 feet, very poorly drained soils 75 feet, pond, streams and year-round brooks 75 feet. He said we will change 25 to 50, and 50 to 75.

Mr. Jim Bergeron said this is in line with the state with designing the setbacks.

Mr. Doherty said everyone was okay with this and this change can go to public hearing.

Mr. Doherty said the next section is under 307-13, Additional lot size and street access requirements, he said we are looking to remove a sentence that says 'WCD setback areas may be counted in the computation of the 3,500 s/f, 5,500 s/f and 217,800 s/f requirements'.

Mr. Doherty said under 7 of that same section, for land areas where ledge and bedrock are covered with a minimum of at least 2 feet. He said to change that to 4 feet and that will put us in line with state septic guidelines. Mr. Jim Bergeron agreed with that and said it is out of the code of administrative rules design criteria for stone pipe leaching systems. Mr. Jim Bergeron said this gets exempted if the lot is greater than 5 acres.

Mr. Doherty said within the lot size requirements, for additional things is to add a new Section 8. That will state wetland conservation district setback areas, the WCD shall not be used in the computation. This was taken out above and restated below.

Mr. Lynde said under 6, they talk about 2-4, but further down there's still 2 feet and is that the same 2 feet? Mr. Doherty said that 2 should be changed to a 4. Ms. Beauregard said she will fix that.

Mr. Doherty said this looks good to be posted to the public hearing.

Mr. Doherty said the solar ordinance was good to go from the previous meetings.

Ms. Beauregard said she ran this by Attorney Ratigan and his suggested change was where it says approval from the planning department's building inspector, rather than just planning department (on page 3). Ms. Beauregard said she had the electrical inspector and building inspector look at this and they were both fine, as long as it says to still require permits.

Mr. Doherty said this would be ready to go as well.

Mr. Doherty said the next is the watershed protection ordinance. Ms. Beauregard confirmed this was sent to Attorney Ratigan. Mr. Doherty said he added 'as authorized by RSA 483-B8 under the authority'. Under administration, he added 'to grant a conditional use permit to administer the provisions of the watershed ordinance'. Mr. Doherty asked if that meant we wouldn't need to do site plan review changes? Ms. Beauregard said no, we would still require a site plan to be done as part of the issuance of the conditional use permit. She said she ran this by Dena Hoffman, and she said it was fine, but asked about why Beaver Brook or the other brooks included? She said with Beaver Brook being the largest watershed in town, it might be worth

considering seeing it feeds into the Merrimack River and it can help decrease pollution in the local area.

Ms. Beauregard said after speaking with Attorney Ratigan, she said she thinks it was their intent to choose the smaller water bodies with smaller lots to be created and Attorney Ratigan agreed with that. She said adding Beaver Brook would add a lot of potential lots. She said Attorney Ratigan questioned the 1500-foot requirement and thought that might be an awfully large area, seeing the state requirement is only at 250 feet from the water, so 1500 feet is six times the state requirement. Attorney Rattigan asked why it's not 500 feet?

Mr. Doherty said 250 feet is a shoreline protection act and he said the 1500 feet is just an arbitrary number and it could be changed. He said it was to make it so it had a stopping point. He said Windham didn't set a number and it made a lot more work for them.

Mr. Culbert likes the 1500 feet. Ms. Beauregard said she got a list from NRPC of all the properties around our water bodies within 1500 feet.

Mr. Jim Bergeron said the applicability section also limits this and do the conforming lots fall under this? Mr. Doherty said correct. Mr. Jim Bergeron said it's a limited reach and if you are conforming, then this won't apply to them.

Mr. Doherty said if there's a functional lot now with a dwelling on it that's being used, it won't fall under this. Mr. Jim Bergeron said he's fine with the 1500 feet.

Mr. Doherty said the two changes by Attorney Ratigan, and it shows in red, as authorized under RSA 483-B8, and then on page 3, adding granting a conditional use permit and eliminating creating site plan review processes and procedures. Everyone was fine with those changes and Mr. Doherty said those will go on to the public hearing.

Mr. Doherty said there is a draft version of the natural resources management ordinance. He said he noticed under #1, applicability, the word 'all'. He thought this might be odd and thought the ZBA, Agricultural commission and the conservation commission may fall under this ordinance as far as 'all' land use boards. Ms. Beauregard said Attorney Ratigan had the same thought and she said the ZBA wouldn't be able to comment even if it did say that. She said the Attorney's thought would be to make it specific to the conservation commission if that's what you're looking for. Mr. Doherty said we can change this to 'planning board and conservation commission must have the opportunity' Ms. Masse-Quinn said that's what she was thinking. Ms. Beauregard said it is the planning board, as it says, 'prior to the final approval of the planning board'. She asked if it would be conservation 'shall have the opportunity to give an opinion to the planning board' she said that was Attorney's recommendation.

Mr. Bilapka asked if we would want the Selectmen involved if it had to do with private roads?

Mr. Doherty said zoning would automatically bring the Selectmen in, the RSA requires that.

Ms. Beauregard agreed, for new construction. Mr. Doherty asked what Mr. Cote thought?

Ms. Beauregard said they've already covered that under the watershed ordinance that they need to go to the Selectmen.

Mr. Cote didn't think the role of the Selectmen fit into this and when it comes to private roads, they would have a say.

Mr. Doherty said as far as the different boards, according to Ms. Beauregard, Attorney Ratigan said the ZBA shouldn't be involved.

Mr. Doherty asked what Ms. Masse-Quinn thought of having the agricultural commission be involved? She didn't think so, no.

Mr. Doherty asked what everyone thought about changing all land use boards to the conservation commission must have the opportunity? Ms. Masse-Quinn liked that wording and asked if that was our council's request? Ms. Beauregard said yes.

Ms. Beauregard said Attorney Ratigan asked a question about the definition of 'natural resources'. She said he thought the state may have a different definition that's clearer and he didn't understand the second line.

Mr. Cote said when people think of natural resources, they think of water and trees. However, you might have septic sand, oil, or other products that we wouldn't think would be a natural resource. He said it runs wider than just what we can consume, and he would be okay with eliminating that second sentence.

Mr. Jim Bergeron asked Mr. Cote about that sentence and said if you think about what it could mean, it's what the earth presents for that use. He said he didn't have an issue with that.

Mr. Cote said if you read it quickly, the second sentence might be redundant, but he thinks it's there for a purpose.

Mr. Jim Bergeron talked about the mining operation on the Dracut line and that's part of the natural resource of the land.

Ms. Masse-Quinn said she thinks the definition looks fine and she looked up the definition and said Mr. Cote caught all of them.

Mr. Jim Bergeron said he would leave that in there. Ms. Masse-Quinn liked the scientific interest in there because we've had a biologist come in front of this board a few times.

Ms. Beauregard said Attorney Ratigan had another comment on number 3, regarding clear cutting and waiting a period of '5 years'. She said his concern for that is he's unaware of any statute that authorizes this. He said how would we know what percent was cut or if they had to get an intent to cut, does the intent to cut have a stipulation if you're planning to develop in such a time. She said he would look into that further to see if you even can do that. She said he wasn't aware of a statute taking away someone's developing rights for a 5-year period. Her concern is the 50% clearcutting and who would monitor that?

Mr. Cote said that an easy basal measurement of all the stumps. Ms. Beauregard asked who would be the one measuring that?

Mr. Jim Bergeron said the authorization of the language is from 674-35 and he's wondering if he wants to reference that? Mr. Cote said an authorization section or statement would be at the beginning of the ordinance. Ms. Masse-Quinn said they can put it after the purpose and intent.

Mr. Jim Bergeron said Section 674 then breaks off into the subsets of that section and that's the main authorization for that. Mr. Jim Bergeron asked if this would be adopted into zoning? Mr. Doherty said an ordinance.

Mr. Cote said the language is in our site plan, but there's no authority there and we need more authority. Mr. Jim Bergeron said he would ask him about 674-35. Mr. Jim Bergeron said the statute can also say the town can have regulations that are stricter than the state.

Mr. Cote said himself and Mr. Gowan talked about this and a notice of intent to cut is just a tax document. He said they were working on something they had to submit to the Selectmen with the notice of intent, but there's no authority to do that. As it's a tax thing and asking them what they are doing with that land. Ms. Beauregard said Assessing doesn't get into that.

Mr. Cote said they won't tell them they can't forest their land, but they can't clear-cut it. They are two different things. He said a forester doesn't clear-cut.

Ms. Beauregard said he had a thought about the 50-foot, and he mentioned putting a buffer to the property edges. Mr. Cote said they did that and it's number 4 on the updated document.

Ms. Beauregard said that is what he was mentioning.

Mr. Doherty said he put that in there for someone going and clear-cutting the land and saying they cut 50%, but not to do this on the edges, but to cut in the inside. He said as far as enforcement, how can we do this? He said it is up to the people that want to be treated fairly and want to follow zoning.

Ms. Beauregard said the leaving of a 50-foot perimeter all the way around would solve that.

Mr. Doherty said he would much rather they leave a buffer, in his opinion.

Mr. Passamonte asked if that 50-foot buffer be there throughout the entire development or just up front and how can you tell someone they can't use 50 feet of their land all the way around?

Mr. Cote said we do that in our zoning ordinance.

Mr. Doherty said if you start a piece of land by having a buffer on it and someone does tree work inside the property. He said this ordinance doesn't have anything to do with a particular type of development.

Mr. Passamonte asked if this was strictly for the clear cut? Ms. Beauregard said in pre-development. Mr. Passamonte asked about after development, do they still have to maintain the 50-foot buffer? Mr. Doherty said no, this is just pre-development.

Ms. Beauregard said they would then come to this board, and we would decide then.

Mr. Doherty said there were problems prior with forcing a buffer with developments.

Mr. Lynde said years ago when the town hired someone to forest the land, they ended up with a Mr. Cyr and he walked with him. He would save certain trees and take certain trees down based on the types of trees. He would show how trees would affect ponds and other things on the land. He said getting a good forester in there really helps out. Mr. Doherty agreed with him.

Mr. Lynde said in the 1600's and 1700's the land in NH was mostly clear cut and they stopped doing that.

Ms. Beauregard said Attorney Ratigan had another recommendation for the natural resource management ordinance and it was number 6 or the new number 7. She said he asked that we change a 'bond' to 'performance guarantee' in both places it was mentioned. She said the reason for that is we no longer accept insurance bonds because they're near impossible to call. We typically get letters of credit or cash bonds.

Mr. Cote said Ms. Masse-Quinn presented to him earlier and that was to include an actual purpose in the purpose and intent. Ms. Masse-Quinn handed copies out to everyone to look at. Mr. Cote read her addition to the board:

The purpose of this ordinance is to promote and ensure the orderly development of the land within the Town of Pelham, to promote public health, safety and welfare of its residents and to ensure for the future population of the Town of Pelham that essential municipal services, transportation/roads, and clean water are available and will have sufficient capacity and quality to accommodate new and future development. And it is the intent of this ordinance to give the town of Pelham the ability to protect and preserve these resources before any minor/major subdivision and or commercial/business development shall commence.

Ms. Masse-Quinn said she added that language to be clearer with the purpose definition.

Mr. Jim Bergeron asked if that was where 674-35 was being mentioned?

Ms. Masse-Quinn said no, and she can prepare an authority section and get that over to Ms. Beauregard with the proper statute.

Mr. Cote said if it's 674-35, before the intent, we can say 'under the authority of RSA 674-35,'.

Everyone agreed that would work. Ms. Beauregard said under the purpose and intent section, Attorney Ratigan commented if you want to include minor subdivisions in this ordinance as well

(our minor subdivisions are 3 lots or less). So, every 2 lot subdivisions will have to go to conservation every time and is that what we want to do?

Mr. Cote said he wanted 3 lots and bigger. Ms. Beauregard said a minor subdivision is 3 lots or less. Mr. Cote said his intent was 3 lots or bigger.

Mr. Jim Bergeron said our definition isn't the greatest for a minor subdivision and it is confusing. He asked what it means by creating a maximum of 3?

Mr. Cote asked how many subdivisions of 2 houses will have their own road? He said 3 may have a cul-de-sac. Ms. Beauregard said even 3 is unlikely to have a road, cost-wise, but it does happen.

Mr. Jim Bergeron said because this is going into zoning, it has to have a start and stop. Mr. Cote said they could say 'and or preserve these resources before any subdivision of 3 or larger lots or 4'. Or 'any subdivision that would include a road.' Mr. Jim Bergeron asked if Attorney Ratigan suggested any changes? Ms. Beauregard said not in this one and she said they talked about 2 or 3 lot subdivisions. She asked if that's what our intent was there?

Mr. Cote said his question is that they want to alleviate the impact. He said if they clear cut 2 lots what is the impact? He said 3 pushes the limit and maybe 4 is where it should be.

Mr. Doherty said most of the 2 or 3 lot subdivisions would be along the existing road. He said when it goes to major is when you put a road in.

Ms. Beauregard asked if they want to take 'minor' out? Mr. Cote said yes.

Ms. Beauregard said if something comes in and it's 3 lots and they have a road in, then we use our judgement, and they'll need to follow this ordinance.

Mr. Culbert remembered years back someone subdivided 5 lots for their daughters with a driveway and he asked what that does for us. Mr. Doherty said he didn't believe we allow that.

Mr. Culbert said we did. Ms. Beauregard said that situation went back for variances over the years and that multiplied on a private driveway.

Ms. Masse-Quinn said if we move 'minor' on the top, we'll have to move 'minor' under number 2 also. Mr. Cote said to cross out 'minor'.

Ms. Masse-Quinn asked how the board felt about adding the purpose and intent? The board agreed. She said the middle paragraph is the proposed change. The first and third were Mr. Cote's original paragraphs.

Ms. Masse-Quinn said it offers a more detailed description as well as our standards for clean water availability in developments.

Mr. Doherty said in the last sentence, did Mr. Cote write down the RSA? Mr. Cote said yes.

Mr. Doherty said we have to get this language right so Ms. Beauregard can post it. If we change it at the meeting, we will have to have another meeting for just this ordinance. We can adopt the other ones and then have a second public hearing if we need to on this? Ms. Beauregard said yes and it's up to the board, but she was going to do the legal notice with both dates, so we don't have to do it twice. She said she can say, if necessary, a second public hearing will be held on a certain date so we can get them posted at a certain time. If we don't have to have a second hearing, we can say it at the first one.

Mr. Cote said if we don't change the wording after the notice, we can vote on it at the first hearing. He said it gives us the opportunity in case we need to make a change, we have that second meeting.

Mr. Doherty said all the others we talked about are good the way they are, the four sections of zoning.

Ms. Beauregard asked if Mr. Doherty added in what's in number 6 (about potable drinking water)? Mr. Doherty said that was number 4 and then it made a total of 7 lines. She said what he gave her today, on number 6, talking about providing proof of sustainable, potable drinking water access for each proposed unit. Mr. Doherty said he scratched out 'must show' to 'must provide'. He said it used to say 'sustainable water access'. Ms. Beauregard said that's what she had originally. Mr. Doherty said it says 'potable drinking water' as opposed to 'water access'. He said if you must show proof of water access, he asked does that mean drinking water. he said potable drinking water is water for human consumption. The way it was worded it didn't clarify what type of water. Ms. Beauregard asked if he wanted her to add this? Mr. Doherty said yes it makes it clearer because it could be coming from a well or from Pennichuck.

Mr. Culbert asked how he is going to prove that? Mr. Doherty said if they can show they can use Pennichuck water. Mr. Culbert asked how he can prove that if it's coming from a well at the right level? Mr. Doherty said the well is tested to show how much water is there. Mr. Culbert asked if it shows that there? Mr. Doherty said that would be what providing proof would be. Mr. Cote said a water sample. Mr. Passamonte said a water test. Mr. Culbert said sustainable. Mr. Jim Bergeron asked how it's done now? Ms. Beauregard said they provide water testing prior to occupancy, they have to test the primaries, BOC's and pass them or install a mitigation prior to occupancy and retest showing they've mitigated the issue. They also have to provide a sustainable yield showing the number of gallons per minute, that's done prior to a building permit.

Mr. Jim Bergeron asked what the standards are for that? Ms. Beauregard said the standards are set under the well ordinance that's by the board of health. Ms. Beauregard said it is 4 gallons per minute over a 2-hour period and be certified by the installer. Mr. Cote asked who wrote that? Ms. Beauregard thought it was Paul Zarnowski with the board of health/Selectmen at the time. Mr. Cote asked how that can be fixed? Ms. Beauregard said it needs to be re-looked at and reworked. She said Jeff Gowan and Paul Zarnowski looked at it a few years ago and made some changes. She said she can share those changes with the board.

Mr. Doherty asked how we can post this ordinance and hopes Ms. Beauregard can doctor everything up and post them. Ms. Beauregard said she would do that and send it to Mr. Doherty for his review and then post it. She said she would send this to Attorney Ratigan to review as well regarding the 5-year timeframe and Mr. Cote said this stems from RSA 485-A:32. Mr. Cote said that RSA says you can't cut or disturb anything until you get certain permits and that's now always the case. He said we are adding to that RSA, and he is of the stance that we put it in and let someone challenge us. He said if the town votes this in, then they want that protection.

Ms. Beauregard said she will do up the legal notice and send it to the board and Attorney Ratigan. She said she has to post by Wednesday of this week.

Mr. Lynde said he hopes the developer will get it done right and if they do testing, have them do a bond and then six months later, have them pass that same test. He said we can't have what we've had before. He said we need to enforce this and be held accountable for these wells.

Mr. Passamonte said under number 7, said it has to be successful for one year. He asked how much would the bond be for?

Ms. Beauregard said it would have to be calculated by our consultant she thought. Mr. Cote asked how road bonds are calculated? Ms. Beauregard said our consultant calculates that.

Mr. Bilapka said a percentage of the total cost. Mr. Cote said it would be the cost of the well or if it's Pennichuck, it would be the cost of that system. Mr. Passamonte said they have one year to prove it. Mr. Cote said it's just like a road. Mr. Passamonte asked if that would be one year

after the sale of the property? Mr. Cote said he thought when the CO got signed off. Mr. Passamonte said it should be one year after the sale or the final signing of the permit. Ms. Beauregard said she would think it would be one year from the issuance of an occupancy permit and that's the best way to keep track of it. Mr. Passamonte said to add 'from one year of the occupancy permit'. Ms. Beauregard said she will add 'after issuance of occupancy permit'. Mr. Jim Bergeron said to add an apostrophe 's' to the word 'infrastructure'. Mr. Jim Bergeron said this came up because some people's well yields were not what they were reported to be. He said it will really matter what the bond is and that will have to cover the cost of a well extension. That number will be important in his opinion.

Ms. Beauregard said our consultant will have to add a line item for the well replacement.

Mr. Jim Bergeron said if there is a strong bond in place, a developer, will make sure his well driller has to prove his wells. He said it is our obligation to protect this.

Mr. Culbert said he would suggest the price of a new well. Mr. Jim Bergeron said the bond would cover that. Ms. Masse-Quinn agrees with that also.

Mr. Jim Bergeron said we can talk to the people that set the bond number and if we don't think it's right and do we have the authority to change that? Ms. Beauregard wasn't sure, but she will find out. Mr. Jim Bergeron said this is an insurance thing to protect the buyer. Ms. Masse-Quinn said right now there is no time frame, so this would hold it to one year. She asked when we release this bond, who goes out there to check this and if we're not satisfied, can we get a third-party to come out to check?

Ms. Beauregard said yes, someone can get a third party in if they choose. She said our engineer, Keach Nordstrom goes out to inspect roads now and he estimates how much work has been done.

Ms. Masse-Quinn said this will offer a more 'check and balance' system to make sure these wells are working. Ms. Beauregard said she will check with Steve Keach to see how they would calculate a bond that includes wells.

Mr. Doherty said those particulars would be in subdivision regulations as opposed to zoning.

Ms. Beauregard said we want to make sure we get it in there to have something to fall back on.

Mr. Passamonte said we could do a per-lot-bond? Ms. Beauregard said yes, or per well or a calculation if it's Pennichuck. Mr. Doherty said it will depend on the situation.

ADJOURN

MOTION: (Mr. Montbleau/Mr. Passamonte) To adjourn the meeting at 8:56 pm.

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

Respectfully submitted,
Jennifer Castles, Recording Secretary