

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
January 19, 2023**

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
Jim Bergeron - present
Danielle Masse-Quinn – present
Samuel Thomas - present
John Spottiswood – present
Bruce Bilapka - present
Joe Passamonte – present
Jenn Beauregard - present
Scott Sawtelle – present

ABSENT/

NOT PARTICIPATING:

Roger Montbleau
Kevin Cote
Hal Lynde
Jaie Bergeron
Jen Castles

PLEDGE OF ALLEGIANCE

Mr. Doherty said tonight’s votes will be a six-member vote, as there is no Selectmen’s representative here.

Case PL2022-00031 – Cedar Crest Development, LLC (Applicant), Eleanor Burton Revocable Trust (Owner) – Map 38 Lot 1-109-243 Sherburne Road – Seeking approval of a 4-lot subdivision consisting of 3 single-family/duplex lots accessible from Sherburne Road.

Mr. Doherty said this case has been continued to February 6, 2023.

Mr. Thomas gave a summary of the Master Plan per the announcement by the Planning Board: He said this will be announced at every public meeting going forward. He stated Pelham is creating a new Master Plan. This is for the community’s vision and goals for our town going forward over the next 10 years. This is a community-created document. We are asking for a wide range of participation and over the next few months we will be asking the community for help. The

community can help by attending the community forum event on February 22, 2023 at Sherburne Hall from 6-8 pm. There is an online version of this event for 1 month following the in-person forum. People can share the information flyer and visit the project website for more information at www.bit.ly/pelham-master-plan.com.

NEW BUSINESS

PL2023-00002 Map 9 Lot 13-145 Pelham Fish and Game – 96-100 Simpson Mill Road – Seeking site plan review of a 400-yard silhouette range addition/expansion.

Mr. Doherty said Mr. Thomas will be voting on this case.

Ms. Masse-Quinn read the abutter's list.

Mr. Doug MacGuire introduced himself with the Dubai Group, representing Pelham Fish and Game. He said Ms. Beauregard recommended he add an overview plan for the board, and he passed that out to the board.

Mr. MacGuire said this is a large property with access off of Simpson Mill Road.

Mr. Doherty said the last time this club came before this board, it was noted that himself, Mr. Jim Bergeron and Mr. Bilapka were all members of this club. He asked if anyone on the board had any objections to this? No one had any objections.

Mr. MacGuire said this club offers target shooting, it is a member's club and he assisted them prior with putting in a warm water bass pond. They are now requesting a minor addition to a silhouette range, and this is a length of range where you can target shoot and hit metal targets that make a noise. There is a backstop, and these are at various positions.

He showed the board where they are proposing this addition. He said it is directly adjacent to the current silhouette range and it is utilizing a piece of the trap fields.

There is a list of existing conditions and there is an aerial drone survey of the property showing up-to-date conditions of what is out there today.

He showed the board a detailed sheet of what they are proposing, and this is a minor improvement of some additional berms for safety and increasing the height of the rear berm and expanding on that. This one will have four positions where you can target shoot to essentially (100, 200, 300, and 400 yards). From a safety standpoint, there will be an elevated position from where you shoot from. The targets will be close to the ground (from 1-4 feet off the ground). He said that creates a downward motion. There is a very large rear berm proposed (25 feet high) at the 400-yard point. Also, a new item to be implemented is an overhead barrier as another safety measure and that will be at 75 yards downrange. That encourages everyone to be downrange looking at the targets, which are pointed downward. That will effectively create additional height. They are proposing chain link fencing along the perimeter. He said they are building a small platform at the shooting position and the members would either sit or lie on, to shoot from and there are no other impervious areas. All the areas that are being adjusted grade-wise will be revegetated with native seed mix. They will also have erosion protection during construction and silt fencing. All of the berms will be vegetated and stabilized with matting. He also has some waivers they will be requesting. One is to avoid having a full survey of the property because it is so large. There was a full detailed survey of where they are proposing improvements but aren't looking to do a full boundary survey. They are also looking for consideration of relief from doing a drainage study because in this case,

they aren't creating any additional runoff. It is very well-drained, sandy soils out there and there will be revegetation done. He has copies of those waiver requests.

Mr. Doherty asked Ms. Beauregard if she thought it was ready and she said yes.

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

VOTE: (6-0-0) The motion carried.

Mr. Bilapka asked if this range would be NRA certified and if so, who would do that? Mr. MacGuire didn't have an answer, but said the club president is in the audience.

Mr. Bilapka asked Ralph the same question. Mr. Ralph Howard spoke and said the club as a whole is certified through the NRA and they come in every 2-3 years. He said this falls in line with NRA shooting. Mr. Bilapka asked when they are coming back through?

Mr. Howard said it will be a few years until they come back again. He said in two summers they'd like to be involved in some of their shoots.

Mr. Ralph Howard introduced himself as the president of the Pelham Fish and Game.

Mr. Bilapka asked if this range would not be certified until they came back? Mr. Howard said they are more worried about their insurance, and they walk the property every year with them.

Ms. Beauregard said she spoke with Mr. Howard and his waivers were all correct.

Mr. Doherty asked if they were all under Section 302-E3, A4, A5 and B15? Ms. Beauregard will check.

Mr. Doherty said the first one is for: Section 302-3E3, A4, a sealed certification by a licensed land surveyor, where the parcel is so large, they don't want to do that every time they come in for a small section of their bounds.

Mr. Doherty said the second one is for Section A5, all boundaries of each subject parcel (metes and bounds).

The last one is B15, for drainage calculations.

Ms. Beauregard said those are all correct.

MOTION: (Mr. Passamonte/Mr. Thomas) To accept the waiver for Section 302-3e3, A4 (Sealed certification by a licensed land surveyor) for consideration.

VOTE: (6-0-0) The motion passed.

MOTION: (Mr. Jim Bergeron/Ms. Masse-Quinn) To accept the waiver for Section 302-3e3, A5, (All boundaries of each subject parcel metes and bounds) for consideration.

VOTE: (6-0-0) The motion carried.

MOTION: (Mr. Bilapka/Mr. Thomas) To accept the waiver Section 302-3e3-B15 (drainage calculations) for consideration.

VOTE: (6-0-0) The motion passed.

Mr. Jim Bergeron said this is a multi-hundred-acre club and he thinks the waivers are well within the bounds and are easy waivers to consider. He said he knows this property fairly well and these are thousands of feet from any boundary. A portion of the range that abuts the town line is distinctly still within the town of Pelham and he doesn't have an issue with any of these. He is in favor of granting these waivers.

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

MOTION: (Mr. Passamonte/Mr. Bilapka) To accept the waiver for Section 302-3e3, A4 (Sealed certification by a licensed land surveyor).

VOTE: (6-0-0) The motion passed.

MOTION: (Mr. Jim Bergeron/Ms. Masse-Quinn) To accept the waiver for Section 302-3e3, A5, (All boundaries of each subject parcel metes and bounds).

VOTE: (6-0-0) The motion carried.

MOTION: (Mr. Passamonte/Mr. Jim Bergeron) To accept the waiver Section 302-3e3-B15 (drainage calculations).

VOTE: (6-0-0) The motion passed.

Mr. Doherty asked if Ms. Beauregard had any input on this plan and she said no. Mr. Doherty asked if there would be any conditions that needed to be put on the plan? She said no, unless the board did. Mr. Doherty asked the board? No one had any. Mr. Doherty said it looks like it's less than 3-5% of the land, at best.

Mr. MacGuire said the piece it's on is 110 acres, and this is about 2 acres at most.

MOTION: (Mr. Passamonte/Mr. Bilapka) To approve the plan as presented with the waivers that are in place.

VOTE: (6-0-0) The motion passed.

PL2023-00003 Map 35 Lot 6-91 Taylor, Michael – 32 Leonard Drive – Seeking approval of a site plan for a ground-mounted solar array, consisting of 20 modules in 2 rows measuring 2'x6' each for a total of 400 sq. ft.

Ms. Masse-Quinn read the list of abutters.

Mr. Doherty appointed Mr. Spottiswood to vote.

No one came up to speak on this case and Mr. Doherty said this happened the last time this case was on the agenda. Ms. Beauregard said Kerry spoke with a person from the engineering company today and was told someone would be coming. Mr. Doherty said we will have to wait to hear from them.

MEETING MINUTES

Regarding the December 19th minutes, Ms. Beauregard said the recording secretary made mention that the requests for wording changes that Mr. Jim Bergeron made were words spoken by members of the public. The recording secretary relistened to the tape and made note that those were the words that were spoken. The recording secretary did not make any corrections. Mr. Jim Bergeron agreed as well as Ms. Masse-Quinn.

Regarding the January 5th meeting minutes: Mr. Doherty said to have the date corrected from January 1, 2023 to January 5, 2023. Ms. Masse-Quinn said on line 290 – she said the lot number needs to be corrected to 1-109 and not 1-109-1. Ms. Beauregard said she thought it was lot 1-109-1 and the dash 1 is correct.

MOTION: (Mr. Passamonte/Ms. Masse-Quinn) To approve the minutes as amended.

VOTE: (6-0-0) The motion carried.

ADMINISTRATIVE

Ms. Masse-Quinn said at the last meeting, we discussed the Sherburne Road ordinance, and the board took a vote to have that go to the Board of Selectmen. She said Mr. Cote presented to the board to set up a public meeting, however, Attorney Ratigan reached out to Ms. Beauregard and requested an appendix to the ordinance. Mr. Doherty asked if it was an amendment? Ms. Masse-Quinn said it's called the Planning Board Written Findings and Recommendations. Ms. Beauregard said it does say appendix. Under 674:23, paragraph III, B, Pelham Planning Board Written Findings and Recommendations for the temporary moratoria. She said Attorney Ratigan has a copy for review and you have to put that as an appendix to this ordinance in order for the ordinance to be complete.

Ms. Masse-Quinn said that she has this now and wanted to bring this to the board's attention and see if the board would mind attaching this to the ordinance as an appendix. She will be presenting this to the Board of Selectmen at a public meeting.

Ms. Masse-Quinn showed this to the board. Mr. Doherty asked who wrote this? Ms. Masse-Quinn said she put this together. She said Attorney Ratigan reached out to our Planning Director to say this item is requested under statute 674:23 under paragraph III, B. She said she read this to the board at the last meeting, however, it had to be titled under this as well as an appendix.

Mr. Jim Bergeron said she is referring to the statute 674:23, under III, Section B, the written findings have to be included as an appendix to the ordinance. This is in order to fulfill the planning board's obligations to spell out why they feels this ordinance is necessary.

Ms. Masse-Quinn said she prepared this and is having legal look it over. She read this into the record, and it is attached to the minutes. She said she needs this in order to continue to present this to the Selectmen. Mr. Doherty is asking if this is in addition to what the board did at the last meeting? Ms. Masse-Quinn said yes. Mr. Doherty said the public doesn't know about this, as he is seeing this for the first time tonight. Ms. Masse-Quinn said it's in a different form of a finding, but everything that is on this was presented to the board at the last meeting.

Mr. Doherty asked why we are doing this twice then? Ms. Masse-Quinn said statute 674:23 states that even though it is stated in the ordinance, you still have to present a findings sheet in this order, as well and it has to be attached to the ordinance as an appendix item.

Ms. Beauregard said this is what Ms. Masse-Quinn wrote up was for the board's consensus of that being your written findings. If the board agrees that this is the findings, then this has to be posted along with the ordinance and the legal notice for the Selectmen to consider. She said the agenda

has been amended and posted to include that this would be discussed tonight, so it was posted properly.

Mr. Passamonte asked if this is just an appendix to what is already there? Ms. Masse-Quinn said the only change was to the Sherburne Road area (actual map and lot #s) are included on this copy. Mr. Doherty said that is why he is concerned and it seems more extensive to what the board heard and voted on the other night.

Ms. Masse-Quinn said the original document said the Sherburne Road area and that would have covered all of Sherburne Road, including the bottom and it was discussed at that meeting that she would go back and pull all the map and lot numbers and the board voted on that, as that would be okay.

Mr. Jim Bergeron said when the board voted, we voted to send the approval of this ordinance over to the Selectmen. The way this ordinance can come about are a couple of ways. One is for the Selectboard to adopt the ordinance as a recommendation from the Planning Board to them. That way the statute is clear that these ordinances can be adopted other than in times of town ballot. By giving this to the Selectmen was because of the time constraints. The Selectmen can take longer to get more input, and should they decide how to proceed, the responsibility falls on them. We delegated that over to the Selectmen for good reason. He said this was to draw attention to the developing crisis up there and there is a newly established water commission that can hopefully bring some solutions to help this problem. He said this is now becoming more formal and organized and being passed over to the Selectmen.

Mr. Doherty asked if he read through the packet and the letter we got from our counsel? He thinks we should maybe go into non-public session to discuss this letter. Ms. Masse-Quinn said that letter was from our last meeting that we had with the ordinance, and we already looked at that letter. Mr. Doherty asked if that has anything to do with what is in front of us tonight? Ms. Masse-Quinn said those were correspondences from the last meeting's minutes.

Mr. Jim Bergeron said we need to move this forward to the next step, which is onto the Selectmen. He thinks the next step would be a public hearing. Ms. Masse-Quinn said yes, and she thinks Mr. Cote did request a public hearing on this and the reason it's going to the Selectmen is because it is going as a town stand-alone ordinance under the 41:14B and that is at the Selectmen's discretion. This item will need to be in their packet so she can present to them. She is asking if the board is okay with attaching this as an appendix so she can present.

Mr. Jim Bergeron asked if we should let any members of the water commission to speak tonight because we mention the water commission twice in this appendix?

Ms. Masse-Quinn said she's not sure if that is necessary now because they will have the opportunity to be at the Selectmen meeting also. She is just looking for this board's consensus.

MOTION: (Ms. Masse-Quinn/Mr. Jim Bergeron) To attach the Pelham Planning Board Written Findings and Recommendations to the original ordinance to the moratoria to be presented to the Board of Selectmen - as an appendix.

Mr. Doherty appointed Mr. Sawtelle to vote on this. Mr. Passamonte asked if this is only to make this an appendix? Mr. Doherty said it's an appendix to what this board voted on at the last meeting. Mr. Bilapka said it's still in the hands of the Selectmen as to if they will go forward or not.

VOTE: (5-1-0) The motion passed. (Mr. Doherty voted No.)

Mr. Bilapka said if it's in the Selectmen's hands and can they oppose this before it goes forward to a ballot vote? Ms. Masse-Quinn said it doesn't go to a ballot vote. Mr. Bilapka said it stays in house with the Selectmen if they adopt it? Ms. Masse-Quinn said it's under the RSA 41:14B, where the Selectmen have a right to adopt, amend and or update a town ordinance and they have to hold two public meetings.

Mr. Bilapka said the coordination will be between us and the Selectmen if something arises on any parcels along Sherburne Road? Ms. Masse-Quinn said the Selectmen will enact it under 41:14B and the Planning board is the agent to it.

Mr. Thomas said there is a master plan meeting next Thursday where we will be discussing the forum event on February 22, 2023 from 6-8 pm. He said the Pelham Existing Condition Report is on the website and the next step is preparing for the forum. He said we are still on target for the end of June completion. Once it's complete, both Resilience and the master plan committee will come before the planning board to present it, as well as to the Selectmen. He said there are two articles that came out in the Pelham Evergreen this month. He said Al Steward wrote an article related to conservation for the paper.

He said we are in discussions to start the CIP plan in April, and this is to educate departments on what is needed and what has been missing.

Mr. Doherty asked Ms. Masse-Quinn about the process of going before the Selectmen. Ms. Masse-Quinn said she is ready to present, and she is just waiting to hear back on a date.

Ms. Beauregard said she understands they want the first public hearing to be on January 31st followed by a second public hearing February 14th. This would have to be posted by tomorrow on the Pelham website.

Mr. Doherty asked if anyone knew the Selectmen's procedure on that? Ms. Beauregard said it would be a public hearing and they have to open it up and let the public speak. She didn't know if they can take a vote at the second hearing or if they need an additional hearing to vote. She will find out the answer.

ADJOURNMENT

MOTION: (Mr. Passamonte/Mr. Bilapka) To adjourn the meeting at 8:12 pm.

VOTE: (6-0-0) The motion passed.

Respectfully submitted,

Jennifer Castles, Recording Secretary