

**APPROVED  
TOWN OF PELHAM PLANNING BOARD  
MEETING MINUTES  
May 15th, 2023**

Chairman Tim Doherty called the meeting to order at 7:01 PM.

Secretary Danielle Masse-Quinn called roll:

**PRESENT ROLL CALL:** Tim Doherty – present  
James Bergeron – present  
Danielle Masse-Quinn – present  
Roger Montbleau - present  
Joe Passamonte – present  
Bruce Bilapka – present  
Selectmen’s Representative Charlene Takesian – present  
Alternate Hal Lynde - present  
Alternate Scott Sawtelle - present  
Planning Director/Zoning Administrator Jennifer Beauregard – present  
Recording Secretary Heidi Zagorski – present

**NOT PARTICIPATING:** Selectmen’s Alternate Representative Jaie Bergeron  
Alternate Samuel Thomas  
Alternate John Spottiswood  
Alternate Paddy Culbert

**PLEDGE OF ALLEGIANCE**

**OLD BUSINESS**

**Case #PL2022-00031** Map 38 Lot 1-109

Cedar Crest Development, LLC (Applicant), Eleanor Burton Revocable Trust (Owner) – 243 Sherburne Road – Seeking approval of a \*3 lot subdivision (previously 4 lot subdivision) consisting of 3 single-family/duplex lots accessible from Sherburne Road. \*\* Applicant has requested a continuance to June 5, 2023

**MOTION:** (Bilapka/Montbleau) To approve the continuance of Case #PL2022-00031 to June 5<sup>th</sup>, 2023.

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

**MEETING MINUTES**

The Board members had no changes or revisions to the May 1<sup>st</sup>, 2023 meeting minutes.

**MOTION:** (Passamonte/Masse-Quinn) To approve the May 1<sup>st</sup>, 2023 meeting minutes as written.

**VOTE:** (6-0-1) The motion carried.

Mr. Roger Montbleau abstained as he was not present during the May 1<sup>st</sup>, 2023 meeting.

## **NEW BUSINESS**

### **Case #PL2023-00013**

Map 31 Lots 11-302, 11-303, 11-304

ROY, Robert & Cynthia – 12 Berthel Lane and STUPACK, Gregory – 22 Berthel Lane - Seeking approval of a Lot Line Adjustment to split lot 11-303, giving lot 11-302 3,400 sq. ft. for a total of 10,300 sq.ft./0.24 acres & giving lot 11-304 3,300 sq. ft for a total of 18,100 sq.ft./0.42 acres.

Ms. Danielle Masse-Quinn read the list of abutters.

Mr. Robert Degan from S&H Land Services, LLC. introduced himself as a land surveyor representing the applicants, the Roys, and the Stupacks. Mr. Degan stated this is a straightforward application. He explained the Roy property is lot 11-304 and the Stupack property is lot 11-302. The applicants jointly own the vacant strip of land between them, lot 11-303. The applicants are seeking to divide the land between themselves in the middle and make each half a part of their respective lots.

Mr. Tim Doherty asked if there was a road on the property or if it was just a vacant lot. Mr. Degan stated it is just a vacant lot.

Mr. Hal Lynde asked who owns the vacant lot. Mr. Doherty stated the two applicants own it equally. Mr. Degan confirmed this.

Mr. Doherty opened the discussion to the public. As no one came forward, Mr. Doherty closed the discussion to the public.

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

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

**MOTION:** (Bilapka/Passamonte) To approve the lot line adjustment plan.

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

## **OLD BUSINESS**

### **PL2022-00040**

Map 22 Lot 8-85

GENDRON, Patrick & Kim – 579 Bridge Street - Seeking approval to subdivide into 2 lots. The existing house will remain on 14 acres, and a 65-unit apartment building is proposed on the remaining 30.5 acres for which a separate Site plan application has been submitted.

Mr. Joe Maynard from Benchmark, LLC introduced himself along with Mr. Bill Renaud from Reno Companies.

Mr. Maynard stated this project has been before the Board for about a year now. He stated it is primarily a couple of things. The first part is a subdivision that will happen between the existing house and the piece of land that would become the property where the apartments would sit. Mr. Maynard said the existing lot where the house sits would remain on 14 acres and the new development on the other side would be just over 30 acres. He said primarily the subdivision is straightforward as it is a frontage subdivision and no new road associated with it. Mr. Maynard said the second part of this application is the site plan for the 65 units. He said the 65-unit apartment building has a couple of

things associated with it for the Board to consider. The first one deals with a couple of outstanding waivers. He explained the first waiver deals with the number of parking spaces in a row, primarily the only spot they are asking for a waiver request is alongside the southeast of the building. He said there is a long strip of parking directly up against the building itself. He said in that area there is one row with 21 spaces and a second with 22 spaces. The second part of the waiver request is about pipe cover. Mr. Maynard said it deals with the pipe cover primarily where the inner section of the driveway with the main access road would come in. He said the cover requirement in the ordinance is 3 feet and he has 2.7 feet in that location. Mr. Maynard stated the third thing for the Board to consider is they have a special permit request to impact the WCD (Wetlands Conservation District) for the construction of the driveway and also temporary impacts associated with grading along the driveway. He said back in November they were in with their landscape architecture who planned extensive vegetation for the entire slope along that side of the driveway. Mr. Maynard said that this is part of this application. Mr. Maynard stated the last thing would be for the approval or denial of the site plan.

Ms. Danielle Masse-Quinn asked Mr. Maynard if he had the Alteration of Terrain (AOT) permit and if the Board has it in their files. Mr. Maynard responded, yes. He said they have both AOT and subsurface approval for the subdivision. He added the permit still hanging is the DOT. Mr. Maynard gave Ms. Masse-Quinn a copy of the septic approval from DES and a copy of the AOT permit for the file.

Mr. Doherty opened the discussion to the public.

Ms. Lisa Corbin of 655 Bridge Street introduced herself. She stated she has concerns about the project. She explained she had been approached about a lot line adjustment. She said after seeing her name on the December agenda, she felt as though she was being associated with this project and she didn't feel comfortable, and it was as though she was betraying her principles. Ms. Corbin said she does not want to be involved and felt it would be a conflict of interest to have her name part of the lot line adjustment and not be in favor of the subdivision plan. She stated she does not want this project behind her house, nor does she feel like it is in the best interest of the town. Ms. Corbin said when Mr. Renaud took over the development, he did reach out to her about a lot line adjustment, and she appreciated his willingness to work with her about buffers and landscaping and trying to maintain privacy. She added at the end of the day, it means having 200+ new neighbors directly behind her house, and 120 or so parking spots about 10 feet off her property line. She said this has been a concern of hers all along, adding adjusting the lot line is not going to give her any more peace of mind regarding her privacy. Ms. Corbin explained that when she was looking to purchase her home on Bridge Street, she was told by Sunlight Realty that there was a 100-year flood zone in wetlands behind the home and it could not be developed. She said she was under the impression that the flood zone was federally protected. Ms. Corbin explained one of the reasons Mr. Renaud wanted to do the lot line adjustment was to appease Conservation and avoid impacting the wetlands. She said this also possibly allowed Mr. Renaud to move the building back approximately 10 feet off her property line. She stated she wants to preserve her right to privacy and the availability of water from her well. She said she worries about the aquifer being impacted and her well. She said the traffic and heavy equipment, and paving of the roads could disrupt the aquifer below. Ms. Corbin said Mr. Keach recommended an irrigation system be added to the plan at the last meeting. She questioned where this water would come from and stated if additional usage is added to the aquifer this would further impact the water supply to the homes in Pelham. Ms. Corbin said the impact on the wetlands, the wildlife, water supply, the infrastructure of the town, the police, and the schools, and only having one access road in and out of the development are very concerning.

Ms. Lisa Corbin submitted her reading to Secretary, Ms. Masse-Quinn for the record.

Mr. Lee Kavanaugh of 54 Woekel Circle from Oliver Environmental LLC. and a former member of the Conservation Commission introduced himself. He provided a document from Oliver Environmental LLC. to the Board members and the applicant <Attachment A>. He explained he is concerned about the safety of the aquifer. He added the town

does have some water problems in certain areas of the town. He said the first thing he would talk about is nitrogen. Mr. Kavanaugh said the regulations on this project are a theory and the reality of the site conditions do not match. The theory says Mr. Renaud has 19.8 acres of fine sandy loam to absorb the effluent from the sewerage discharge. He said in reality that sewerage is being dropped on 3 acres of coarse sand, group 1 soil, on the northwest side of the housing that is being proposed. Mr. Kavanaugh said the goal of the Board and his involvement is to ensure a healthy environment for new neighbors and current residents. He explained that two types of pollutants come out generated by a septic system. He said this first paper addresses the nonmetal chemical element nitrate, which is not broken down in the treatment of sewerage, they are handled by dilution as the solution. He said this is where the 2,000 per day per acreage comes in. He said it is to make sure you do not get a high concentration of nitrogen in any particular area. He said high levels of nitrogen cause health problems in infants, pregnant women, and the elderly. He said he does not feel the interpretation of the regs is sufficiently protecting the aquifer in this case. Mr. Kavanaugh said this projected development has the potential to generate what would amount to four tri-axel trucks of water, and sewerage, not being treated for nitrogen per day, being dropped 50 feet from the wetlands and the aquifer. He said no one would want that much-untreated sewerage dropped near any of the ponds in the town daily. He said if we use the designer's rate of 3 minutes per inch for the perc rate in the leach area, that effluent would be dropped 50 feet from the wetlands or 600 inches, then divide by the three-minute perc, it is going to take 3 hours and 20 minutes for the first pollutants to enter the wetlands over the aquifer from the time they start operating.

Mr. Roger Montbleau asked for clarification. Mr. Kavanaugh repeated that it takes 3 hours and 20 minutes for the first pollutants of nitrogen to enter the wetlands. He asked Mr. Kavanaugh if this is out of the discharge. Mr. Kavanaugh said yes because there is coarse sand according to the design. He said it does not hold water so as soon as the leach beds fill up, it will start migrating by gravity down toward the wetlands. Mr. Kavanaugh clarified that 3 hours and 20 minutes is how long it will take to get to the wetlands once the system fills up, which will happen every day. Mr. Kavanaugh said where Mr. Renaud states he has 19 acres to fulfill the 2,000 per day per acre requirement, he does not have that because 14 acres of that are on the other side of the wetlands and will never see this discharge. Mr. Kavanaugh explained since nitrogen does not break down in the system because it is a chemical, it relies on nitrogen to be taken up by vegetation. He said most private septic systems are built within about 2 feet of the surface, so the nitrogen gets drawn up through the grass and trees. He said in this case, it is in the sand so the nitrogen will not get brought up through the grass, it will be delivered straight into the aquifer.

Mr. Kavanaugh stated he would like to explain how a septic system works. He provided a brochure from Clean Solution to the Board members and the applicant <Attachment B>. Mr. Kavanaugh used the Clean Solution diagrams to show how a normal system works in comparison to a Clean Solution system. He explained in a residential system, there is a sewer tank which is a quelling chamber. He said when you flush a toilet and run water, it goes into this tank and settles. The size of that tank is about 2-3 days capacity of the water generated by the house. He said in that amount of time, the solids drop to the bottom, the grease rises to the top, the clean water goes out into the leach bed and that is where on a stone and pipe system, the aerobic bacteria will digest the viruses and pathogens. He said both of these parts of the system rely on things trickling in at a slow rate for the bacteria to do their job to clean the viruses and pathogens. Mr. Kavanaugh said Clean Solution does the same thing. He said the water should go into the tank shown on the brochure. He said the tank functions the same as a regular sewer tank and that should be a quelling chamber. He said then the solids and greases separate, and clean water goes into the bio chamber. He said that acts like the Earth. He said they inject oxygen into it so aerobic bacteria are there to digest the viruses and pathogens. The liquid from that goes out into a settling chamber, then clean water goes out into the receiving area. He said that is similar to the water found in a jug at the store. He said both of these things are wonderful. If they are kept healthy, they should always work.

Ms. Masse-Quinn said when she was researching Clean Solution systems, she saw it more of a benefit for a single-family home and not for a big project that is being proposed. Mr. Kavanaugh stated they can be used on big projects, but they still have to be set up to function the same as they would work on a small project.

Mr. Kavanaugh introduced a document to the Board, Mr. Maynard, and the applicant, which contained four questions <Attachment C>. Mr. Kavanaugh stated what Mr. Maynard is proposing is a bigger version of the system you would have at home. He asked a question about the perc rate. He said everything is calculated on Mr. Maynard's part with the canton fine sandy loam. He said that is what the soils map says is there. He added Mr. Maynard picks out a perc rate of 3 minutes per inch to do the minimum leach bed size for the state. He said that is a stone and pipe pad which is a minimal the state wants you to design. He said unfortunately if Mr. Maynard didn't go with the 3-minute-per-inch perc rate, the nitrogen would be confined better and held in the soil if the design was to the sandy loam but that would have thrown off the footprint with what he is working with. Mr. Kavanaugh referenced a chart on the document from Minnesota College to explain the different perc rates for different types of soil. Mr. Kavanaugh said the 3 minutes per inch is in the group 1 soil, which is sand or a gravel pit type of soil. He explained the middle of the chart states canton is 6 minutes to 15 minutes an inch per perc which is a sandy loam. He explained canton soil would require at a minimum to be 1.4 times bigger than what Mr. Maynard has presented. Mr. Kavanaugh said the water tables and bed bottoms presented by Mr. Maynard are quite low. He referenced a chart included in the document depicting what a canton soil profile looks like. He said a water table and a canton are usually between 30 and 60 inches down. He further explained at 60 inches on the proposed plan, you hit the parent material which has fines in it that are very clayey. He said a lot of his bed designs are 9 feet, and 7 feet below grade. He said that may be in the parent material and that the perc rate would be between 45 and 60 minutes per inch. He said that would make that minimum bed size 3.5 times bigger. Mr. Kavanaugh questioned why the design is like that. He added he didn't see any soil data. Mr. Maynard said he had a full SCS report done by Nancy Rendall. Mr. Maynard stated it is in a separate report as part of the application. Mr. Kavanaugh said the Clean Solution bed sizes presented are two-bed groups, system one and system two. He said system one is 1.4% half the size required, and system two is 1.2% of what is required. Mr. Kavanaugh stated each one of these handles one-half of the design. He questioned Mr. Maynard when previously he overheard Mr. Maynard say he would switch from one bed to the other so each bed would have a day off. He questioned how this would happen since he would need 200% capacity for that to happen. Mr. Kavanaugh referenced how he stated in residential; the septic tank is a quelling chamber. He said there is not going to be any time for the raw sewerage to separate between the time it leaves the apartments, goes into the tank, and goes into the clean solution chamber. The tanks are just one day's volume of the sewerage that is produced in the building whereas in a home, it has 3-5 days capacity to allow for the settlement. He added Mr. Maynard complies with the regulations for the tank sizes. However, it is not beneficial to protect the wetlands since that can cause the Clean Solution system to be overwhelmed. Mr. Kavanaugh said he had a question about the high-water table. He asked Mr. Maynard if he dug down to these depths to find the water table. Mr. Maynard said yes; it had been done with Mr. Paul Zarnowski and the second time witnessed by Gifford Colburn of Keach-Nordstrom Associates. Mr. Kavanaugh referred to the bottom right of the presented document. He said it is lot loading calculations with a banner stating 1001.01 purpose which says all of these regulations are to protect the surface and ground waters of the State of New Hampshire. He said he knows dropping the sewerage load in what amounts to 2-3 acres next to the wetlands is not going to cleanse the effluent flow.

Mr. Montbleau asked Mr. Kavanaugh in his professional opinion if could he summarize the different points during his septic explanation. Mr. Kavanaugh stated the regulation in the spirit was that 2,000 per day per two acres would be dispersed over those two acres. He added Mr. Maynard now states he has 19.8 acres to process that effluent but is all just being dispersed on a small footprint and it is too much in one spot.

Mr. Passamonte asked Mr. Kavanaugh to clarify that he said it is about 14,000 gallons too much. Mr. Kavanaugh stated without doing the math, he would agree. Mr. Passamonte added it is 14 acres too short, rather.

Mr. Doherty asked Mr. Maynard to respond to Mr. Kavanaugh. Mr. Maynard stated when he designs a large septic system like what is being proposed, it is not just himself who has to design the system, it is also a professional engineer who stamps the plan to show that they meet the rules. In addition, Mr. Maynard said before he even started

this project he went to DES and went over the application with them, and DES agreed with him 100%. Mr. Maynard went through AOT and submitted them to DES. He said he does not 100% agree with the technical breakdown that Mr. Kavanaugh presented. Mr. Maynard said the plan has been reviewed by many people besides himself from the standpoint of the nitrate's setbacks, the way the fields are sized, and the loading on the piece of property. He explained the dosing system. He said it is not as though each field is going to get dosed once per day. It is primarily that in one system there are 6 fields and in the other, there are 7 fields, and each system has its own pump, and they cycle through each one. He said ultimately it means that one of those systems you are going to dose once, then it will go to the next one and the first one is going to get a 7 or 8-hour reprieve before another cycle comes around to it. He said that the timing of what can be infiltrated into the ground is a break for the system because they are sending smaller doses to each field. Mr. Doherty referred back to what Mr. Kavanaugh stated and explained he was talking about the size of the tanks. Mr. Doherty said if the tank gets pumped too soon then the clean solutions aeration system will not actually have a chance to work before the effluent is then pumped out of it, resulting in grey water instead of clean water. Mr. Maynard said the septic tank sizing in the State of New Hampshire has a standard for commercial use or for over ten bedrooms. Mr. Maynard added these systems are both over 10 bedrooms and so the sizing of the tanks is associated with the calculation the state requires.

Mr. Maynard gave his response regarding nitrate setbacks. He stated the regulations allow loading calculations to use your entire property and not just where the septic system sits. He stated there are nitrate setbacks that come into place and if they overlap each other, they compound. He said in this design, none of these overlaps are in place for any of the nitrate setbacks associated with it. Mr. Maynard said DES, AOS, a professional engineer, and Keach-Nordstrom's office reviewed this design. Mr. Maynard added everything has met the rules or exceeded them.

Mr. Kavanaugh stated Mr. Maynard does comply with the state's regulations however the regulations were not written for this type of project and to protect the aquifer.

Ms. Christine Kamal of 3 Renee Lane introduced herself as a resident of Pelham. Ms. Kamal referred to the State of New Hampshire Code of Administrative Rules and cited you cannot include wet soils or very poorly drained soils in your calculations. She said her understanding was that Mr. Maynard was including the whole 30 acres in his calculations for septic loading. She said the keyword is it has to be a suitable receiving site. Ms. Kamal said the land across the 15 acres of wetlands is not the receiving layer of soil. She said it is the 5 acres that the building would be put on. She said there is a formula under the state's regulations. Under the state's regulations, she referenced section F 1005.02 lot size and cited the following should not be included when calculating the minimum lot size even though the boundaries of the lot might include these areas. She stated very poorly drained soils are listed and cannot be included in the septic loading. She added there is a formula that is for anything beyond a residential project. She said the regulation states for the septic loading calculation, there is a formula under section K 1005.02 citing the minimum lot size for all other commercial and residential subdivisions shall be calculated by dividing the estimated daily flow of sewerage in gallons per day by 2,000 and then multiplying the sewerage loading factor established in table five. She said they are talking about the soil. She stated that based on her calculations and on the lot that Mr. Maynard is proposing to build on, her calculations came out to 25.65 bedrooms on the five acres for the five acres to be able to tolerate the septic load. Ms. Kamal said this is a big concern being near the wetlands and aquifer.

As no one else came forward from the public, Mr. Doherty closed the discussion to the public.

Ms. Masse-Quinn asked what would happen if power were lost. Mr. Maynard said Mr. Keach had asked them to place a standby generator on the property that would be sized to be able to handle the clean solutions system and the emergency systems in the building. He said this was added to the plan with the last revision.

Mr. Montbleau asked Mr. Maynard to respond to Ms. Kamal's comments. Mr. Maynard said the calculations you see

on the plan do not include the very poorly drained soil. He said there is a factor for poorly drained soil that you can use as part of your calculation for how many gallons per day the property can support, however, very poorly drained soils are not allowed and is not part of the calculation he proposed.

Mr. Doherty read a statement he wrote into the record <Attachment D>.

Mr. Doherty explained this is overcrowding and wrong for the town zoning.

Ms. Takesian stated Mr. Maynard is using the backland in the calculations for the discharge of the septic and yet Mr. Maynard will not agree to leaving the backland vacant. Ms. Takesian said Mr. Maynard is proposing to use the whole 30-acre lot for the calculations and only use 5 acres for the project, yet Mr. Maynard won't commit to leaving the 30 acres as vacant land. Ms. Takesian added the State of New Hampshire is planning to work on the Main Street Bridge which will put the bridge out of commission for two years. She asked how the water from Pennichuck would get from one side of Main Street to the other side of Main Street and up Rte. 38. Mr. Renaud said the water main will be bored underneath the brook. Mr. Passamonte asked if they could work in conjunction with Pennichuck at the same time as the Bridge is being repaired. Mr. Renaud said they would work with whatever schedule they had to.

Mr. Passamonte stated that zoning 307-13 requires the leach field to have an alternate site. He asked where the alternate leach field is. Mr. Maynard said when you look at 307-13 the recommendations are for single-family homes, duplex lots, and workforce housing. He added this is not a workforce housing project.

Mr. James Bergeron explained the spirit of intent is clear that an alternate leach field is required. Mr. Bergeron said under 105.02 lot size requirements from DES, under section 3 for lots, which the primary use is not a single-family residential, that the area required shall be A2 referring back to table 108; this is the 150 gallons per day, shall contain one or more areas on which one or more EDAs design to accept the proposed flow can be installed. Mr. Bergeron said Mr. Maynard has covered everything on this site, there is 24,408 sq. ft. of building, 10,500 sq. ft. of pavement, and captured under the parking area is the septic system with no alternate leach field areas. Mr. Bergeron added this would be the point he makes for his denial of the special permits and waivers because Mr. Maynard's proposal does not conform to the town zoning regulations regarding supplying an alternate leach field area or to the DES standard.

Mr. Maynard replied that in his position on DES under 105.02 regulations, these are lot size requirements when trying to create on a lot that is under 5 acres in size. He said he has a 30-acre piece of property so therefore the subsection in DES rules does not apply. Mr. Bergeron said Mr. Maynard is taking the entire calculation of two separate upland soils, a 15 and a 5, and by combining these totals, Mr. Maynard is saying he has 19,500 gallons of potential loading group 1 soils. Mr. Bergeron said Mr. Maynard does not want to proportionately load the property. He said he is placing it all on 5 acres and overloading the land. Mr. Bergeron stated Mr. Maynard has two separate areas that are noncontiguous, and he cannot have a total load of 19,500 or more and choose not to proportionately spread it out and choose to put it all on a 5-acre partial creating an unacceptable plan and a threat to the aquifer district.

Ms. Jennifer Beauregard stated there is a letter from the Conservation Commission and a letter from the Fire Department.

Mr. Doherty said he would like to hear from other Board members before the letters are read into the record.

Mr. Bruce Bilapka stated under general provisions, 307-2, the main thing is the land is overcrowded. He explained everything has the potential to fail. He said the land is maxed out with wetlands below, and yet they have the parcel on the other side. He said they could use the whole parcel and separate the septic loading on two different parcels. Mr. Bilapka said he cannot understand having 4.5 acres with 65 units on it.

Mr. Montbleau stated he has visited Mr. Renaud's site and he has done some great things with his investment properties. Mr. Montbleau said his second proposition of the building is upscale and has innovative details. Mr. Montbleau said he agrees with Mr. Doherty's statement that he read.

Mr. Doherty stated the overcrowding of the land.

Ms. Masse-Quinn read a letter from Chief James Midgley of the Pelham Fire Department into the record <Attachment E>.

Ms. Masse-Quinn read a letter from Secretary Karen Mackay of the Conservation Commission into the record <Attachment F>.

Mr. Bergeron prepared a statement and read it into the record <Attachment G>.

Mr. Passamonte said he previously asked about the fire lanes and a letter from the Chief. He said he wanted to see that first. Mr. Doherty said the site is already overcrowded and it would not fit.

Ms. Masse-Quinn read a statement of her findings into the record <Attachment H>.

Ms. Masse-Quinn added she also supports the decision of Mr. Doherty and the other members of the Board on the matter.

Mr. Bergeron asked Mr. Maynard if he had sheet 14 with him. He stated Mr. Maynard has given them an accurate rendition of setbacks from the EDA areas to the very poorly drained soil areas. He explained he scaled System 2A. Mr. Bergeron said the EDA area where it crosses the street and goes into the wetlands is not in compliance with the code of administrative rules. He said it has to be set back a minimum of 35 feet and he said the septic system will turn that water into a septic lagoon. Mr. Maynard agreed that Mr. Bergeron's dimensions looked correct.

Mr. Maynard stated that they would like to move forward with voting.

Mr. Bergeron asked if they are looking for a lot line change. Mr. Doherty said they are looking for a subdivision. Mr. Bergeron asked if they need to discuss the access which does not meet the tangent requirements of the site plan review regulations. Mr. Maynard said that Mr. Keach commented on that and said they did not need that waiver and that they withdrew it at a previous meeting. Mr. Bergeron said that Mr. Keach wrote the land use regulations that he is speaking about. Mr. Bergeron stated that he would like to draw attention to the definitions in the land use regulations that Mr. Keach wrote. He said in the definition section on page 13, the definition of roads includes Road/Street Arterial, Road/Street Collector, Road/Street Local, and Road/Street Private. Mr. Bergeron said if the proposal is to include a private road, it needs to meet the design criteria for the road standard. He said where there is a road exiting onto and entering onto and coming from a 50mph state highway, there needs to be a minimum load tangent to meet design standards. Mr. Bergeron said Mr. Keach's opinion was wrong, and it is only advisory. He added the Conservation Commission, the Fire Department, and the Highway Safety Committee are advisory as well.

Mr. Bergeron asked Mr. Maynard and the applicant if they would like to move forward with a subdivision where the tangent waiver they could require could be denied. Mr. Maynard said yes, they would like to move forward.

Mr. Doherty asked for a consensus of the Board to see if they felt that the applicant needed this waiver or did not need it. Mr. Doherty counted 4 Board Members who said yes and confirmed that is enough to state the applicant needs the waiver.



Upon further discussion, Mr. Doherty stated as far as the subdivision of land, they should not need any of the waivers because it is just a subdivision of land with no other intention of doing anything to it as far as the subdivision of land goes.

**MOTION:** (Passamonte/Montbleau) To approve the subdivision of lot 8-85 into two lots.  
**VOTE:** (7-0-0) The motion carried.

Mr. Bergeron asked for the special permit to be read. Mr. Maynard read it as stating it is a total of 29,000 sq. ft. of WCD impact. He said 10,500 sq. ft. was pavement and 18,500 sq. ft. was grading the disturbance that was being replanted. Ms. Beauregard confirmed the request is contained in the file and it came with the original application.

**MOTION:** (Masse-Quinn/Bilapka) To deny a special permit for WCD crossing.

Mr. Bilapka stated his denial would be based on the overcrowding of the land. Ms. Masse-Quinn agreed and stated she would like to enter her written findings <Attachment H> for denial of the special permit. Mr. Bergeron added he would like to enter his written findings <Attachment G> as his reason for denial. Mr. Doherty stated his letter <Attachment D> can be supplied as well.

**ROLL CALL VOTE:** Mr. Montbleau - Yes to deny  
 Mr. Passamonte - Yes to deny  
 Mr. Masse-Quinn - Yes to deny  
 Mr. Bergeron - Yes to deny  
 Mr. Takesian - Yes to deny  
 Mr. Bilapka - Yes to deny  
 Mr. Doherty – Yes to deny  
  
 (7-0-0) The motion carried.

**MOTION:** (Masse-Quinn/Takesian) To deny a waiver of Section 303-2(4) to omit landscape areas in two parking areas where more than 20 spaces are proposed in support of the town's engineer Mr. Keach's feedback.

**ROLL CALL VOTE:** Mr. Bilapka – Yes to deny  
 Mr. Montbleau – Abstain  
 Ms. Masse-Quinn – Yes to deny  
 Mr. Passamonte – Yes to deny  
 Ms. Takesian – Yes to deny  
 Mr. Bergeron – Yes to deny  
 Mr. Doherty – No  
  
 (5-1-1) The motion carried.

**MOTION:** (Masse-Quinn/Bergeron) To deny a waiver of Section 203-5B.3 for two sections of pipe cover to allow 2.5 feet of cover instead of 3 feet of cover.

**ROLL CALL VOTE:** Mr. Montbleau – Yes to deny  
Mr. Passamonte – Yes to deny  
Ms. Masse-Quinn – Yes to deny  
Mr. Bergeron – Yes to deny  
Ms. Takesian – Yes to deny  
Mr. Bilapka – Yes to deny  
Mr. Doherty – No

(6-1-0) The motion carried.

**MOTION:** (Bergeron/Masse-Quinn) To deny the waiver under Section 203-4B(4)(B)3 for tangent request based on safety reasons to not allow a 22' tangent.

**ROLL CALL VOTE:** Mr. Bilapka – Yes to deny  
Mr. Montbleau – Yes to deny  
Ms. Masse-Quinn – Yes to deny  
Mr. Passamonte – Yes to deny  
Ms. Takesian – Yes to deny  
Mr. Bergeron – Yes to deny  
Mr. Doherty – Yes to deny

(7-0-0) The motion carried.

**Case #PL2022-00041**

Map 22 Lot 8-85-1

BRIDGESIDE COMMONS, LLC – 579 Bridge Street - Seeking Site Plan review for a 65-unit apartment building on a 30.5-acre parcel subdivided off of the parent lot where the existing house will remain on 14 acres.

**MOTION:** (Bergeron/Passamonte) To deny the site plan as presented based on the written findings submitted by Mr. Bergeron and Ms. Masse-Quinn, the Conservation Committee letter, Mr. Doherty's statement, and because of the denials of waivers and denial of special permit above.

**ROLL CALL VOTE:** Mr. Bilapka – Yes to deny  
Mr. Montbleau – Yes to deny  
Ms. Masse-Quinn – Yes to deny  
Mr. Passamonte – Yes to deny  
Ms. Takesian – Yes to deny  
Mr. Bergeron – Yes to deny  
Mr. Doherty – Yes to deny

(7-0-0) The motion carried.

Mr. Doherty announced a five-minute break at 9:40 PM.

Mr. Doherty called the meeting back to order at approximately 9:48 PM.

## **NEW BUSINESS**

### **Case #PL2023-00014**

Map 23 Lots 12-98, 12-99-4, 12-99-5

TRIPLE CROWN ESTATES – Kinnal Ave – Conceptual discussion of a proposed 10-lot subdivision.

Mr. Doherty confirmed there is not an abutters list as this is a conceptual discussion.

Mr. Doherty discussed with the applicant the location of the proposed plan about where he resides. He asked the Board if he should step down. The Board unanimously agreed that he would not be considered an abutter and because it is only a conceptual discussion, Mr. Doherty should remain on the Board.

Mr. Tim LaPorte introduced himself from the Dubai Group and proposed a 10-lot subdivision cul-de-sac off Kinnal Ave. He said all of these lots will be conventional and well-designed houses meeting all of the criteria.

Mr. Doherty confirmed with Ms. Beauregard that they were before the Board in 2021 for a two-lot subdivision and a lot lone adjustment. These lots were never developed and are now part of the proposed subdivision.

Mr. Doherty discussed with the applicant the odd-shaped size of lot #1.

Mr. Bergeron explained that Pelham has lot size by soil type requirements.

Mr. Carl Dubay from the Dubai Group introduced himself. Mr. Dubay discussed and explained the design plans with the Board including the location of the septic systems and the septic tanks.

Mr. Montbleau asked about the size of the cul-de-sac and if there would be a landscape in the center. Mr. LaPorte said the cul-de-sac would not require any waivers. Mr. Dubay added there is a landscape area in the middle.

Mr. Bergeron asked what the soil types are. Mr. Dubay said it is type B or C soils. He said they have included very large drainage areas and will be keeping the back side towards the lake in an easement with a no-cut zone.

Mr. Bergeron asked, since the well radii are all the same would there be any lots over 5 bedrooms or any duplexes? Mr. Dubay said they were planning to build all single-family homes.

Mr. Bergeron confirmed with Mr. Dubay that it will be a public street with closed drainage. Mr. Dubay stated he would like to meet with the Highway Safety Committee to discuss fire suppression. Mr. Bergeron stated the contained sprinkler systems would add value to the high-end homes.

Mr. Montbleau asked about the site distance on the main road and what the road speed is. Mr. Dubay stated they are proving that out now with the road agent and he believed the road speed is the default speed of 30mph.

Mr. Dubay explained on sheet 1 of the plan there is a big feature which is a huge pond that they are building to put most of the project water into. He added there is another pond in the wooded area that would catch the water. Mr. Doherty confirmed with Mr. Dubay it is a proposed attention area.

Ms. Beauregard asked Mr. Dubay if he was aware of a natural resource ordinance that has been adopted. Ms. Beauregard explained in ordinance 307-125D there is a criterion that a 50' perimeter buffer of all parcels shall remain

undisturbed with the exception of the entrance of the property. She added to waive this requirement, a waiver would be required by the Zoning Board. Mr. Dubay asked if it included house lots in a standard subdivision. Ms. Beauregard said yes. Mr. Dubay confirmed with Ms. Beauregard that it included the exterior perimeter of the project and not the exterior of each lot.

Ms. Beauregard stated that no cutting could begin on the property until the applicant received all Federal permits.

Mr. Passamonte asked if when they come back before the Board, they would have a full set of plans. Mr. Dubay said yes.

Mr. Montbleau asked if the property had been flagged. Mr. Montbleau further said they would like to walk the property in the future.

**Case #PL2023-00015**

Map 38 Lots 1-133-1, 1-131

Garcia, Donald Jr. – 7 Spaulding Hill Road and GARCIA, Donald Jr. & Arlanna – 15 Spaulding Hill Road - Seeking approval of a Lot Line Adjustment to add 18,477 sq. ft. from lot 1-133-1 to lot 1-131 for a total of 2 acres, resulting in adequate land for a duplex, and leaving lot 1-133-1 with 2.77 acres with the existing duplex single family house.

Ms. Masse-Quinn read the list of abutters.

Mr. Joe Coronati from Jones and Beach Engineers introduced himself, representing Donald and Arlanna Garcia. Mr. Coronati explained that Garcias own 7 and 15 Spaulding Hill Road and reside at 15 Spaulding Hill Road. He said the applicants would like to request a lot line adjustment. They would like to move about 19,00 sq. ft. from their existing lot 1-133-1 to increase the size of lot 1-131. Mr. Coronati stated the adjustment would make lot 1-131 have 2 acres and keep lot 1-133 at 2.77 acres. Mr. Coronati confirmed lot 1-131 contains an existing single-family home with an accessory dwelling unit which with the lot line adjustment they would like to make a duplex.

Mr. Doherty asked the applicant if the septic is currently large enough on lot 1-131. Ms. Garcia stated they are putting a plan into place for the septic.

Ms. Beauregard stated once the Board approves the lot line adjustment, the applicant would need to provide the State approved septic design before receiving an occupancy permit for the duplex.

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

**VOTE:** (7-0-0)

Mr. Doherty opened the discussion to the public.

Ms. Michelle Dalton introduced herself from 11 Spaulding Hill Road. Ms. Dalton expressed her concern for an existing lack of water and by splitting the home on lot 1-131 and placing two families there, would increase the issue of water shortage. Ms. Dalton expressed concern about renters being in the duplex verse owners.

Ms. Beauregard stated that the ADU has existed in the single-family home since about 1975.

Mr. Doherty explained that this is a lot line adjustment and not a subdivision of land.

Mr. Bergeron asked Mr. Coronati where the well is on lot 1-131. Mr. Coronati stated they learned that the well is

inside of the existing shed which has now been removed from the property which exposed the well. Mr. Coronati said they are not changing the footprint of the building. He added there is no change to the bedrooms which will remain at 5. Ms. Beauregard confirmed with Mr. Coronati that the septic design must be for 6 bedrooms.

The Board discussed if the property would fall under the moratorium. Ms. Masse-Quinn stated under Section 7 exempt applications, it states the provisions of this interim ordinance shall apply to all properties within the Sherburne Road area unless the property owner can demonstrate that the property has either access to a fully suitable public water supply source or that the owner can demonstrate that an existing lot on each proposed individual lot has sufficient water capacity and water quality to meet the proposed lots' land use water supply needs and requirements. Ms. Masse-Quinn said that this would be at the discretion of the Planning Board. Mr. Coronati said that they will not have more than 5 bedrooms and would be willing to place a restriction on this to help with the moratorium. Ms. Beauregard stated this ordinance is adopted to temporarily limit the issuance of new building permits and impose a moratorium on proposed subdivision applications. Ms. Beauregard said she does not believe this can be applied to existing homes.

Ms. Jen Reid from 14 Applewood Road introduced herself. Ms. Reid expressed her concern about water issues in the Spaulding Hill Road area. She asked the Board to consider this for future projects.

Ms. Gretchen Brunelle from 12 Applewood Road came forward and stated the applicant should make sure the well and septic system are substantial enough to support the duplex before they move forward with the renovation.

Mr. Christopher Brunelle from 12 Applewood Road introduced himself and explained the options he and the residents have to help with the water issues.

As no one else came forward, Mr. Doherty closed the discussion to the public.

**MOTION:** (Masse-Quinn/Takesian) To approve the lot line adjustment.  
**VOTE:** (7-0-0) The motion carried.

### **ADJOURNMENT**

**MOTION:** (Montbleau/Masse-Quinn) To adjourn the meeting at 11:07 PM.  
**VOTE:** (7-0-0) The motion carried.

Respectfully submitted,  
 Heidi Zagorski, Recording Secretary

[Attachment A.pdf](#)  
[Attachment B.pdf](#)  
[Attachment C.pdf](#)  
[Attachment D.pdf](#)  
[Attachment E.pdf](#)  
[Attachment F.pdf](#)  
[Attachment G.pdf](#)  
[Attachment H.pdf](#)