

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
June 5th, 2023**

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

Secretary Danielle Masse-Quinn called roll:

PRESENT ROLL CALL: Tim Doherty – present
James Bergeron – present
Roger Montbleau - present
Danielle Masse-Quinn – present
Joe Passamonte – present
Bruce Bilapka – present
Selectmen’s Representative Charlene Takesian – 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
Alternate Hal Lynde

PLEDGE OF ALLEGIANCE

MEETING MINUTES

The Board members had no changes or revisions to the May 15th, 2023 meeting minutes.

MOTION: (Masse-Quinn/Passamonte) To approve the May 15th, 2023 meeting minutes as written.

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

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 August 7th, 2023

MOTION: (Montbleau/Passamonte) To approve the continuance of Case #PL2022-00031 to August 7th, 2023.

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

NEW BUSINESS

Case #PL2023-00016 Map 16 Lot 8-41-A

JACOBS, Robert (owner), MOSES, Jonathan & O'Malley, Scott (applicants) – 703 Bridge Street – Seeking Site Plan review to continue operating an existing wood-cutting business in the Residential Zone. The Zoning Board approved a Variance, with conditions, on 04/10/2023, Case #ZO2023-00010

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

Mr. Scott O'Malley and Mr. Jonathan Moses introduced themselves as the applicants seeking the site plan review for the variance that was approved by the Zoning Board for a wood-cutting business on 703 Bridge Street. Mr. Moses explained that they process, cut, split, store, and deliver firewood at their site. Mr. Moses added that they do not have any foot traffic at their business.

Ms. Masse-Quinn asked if it is a family-run business. Mr. Moses answered yes.

Mr. James Bergeron asked the Planning Director Ms. Beauregard if there is an authorization letter from the owner of the property, Mr. Robert Jacobs. Ms. Beauregard answered yes.

Ms. Beauregard explained that the applicants do reside at the business location. She said it is a multi-family residence, so it does take the applicants out of the qualification of a general home occupation. She added they are allowed in a single-family only and the applicants received a variance for this and also because it is in a residential zone. Ms. Beauregard said under the current zoning, a resident can operate a home occupation, but it is not allowed in anything other than a single-family home.

Mr. Montbleau asked how long they have been operating. Mr. Moses said they started in June 2021 and in April 2022 they expanded into the present. Mr. Montbleau asked if they had set hours of operation. Mr. Moses stated they agreed to 9 AM-2 PM Monday through Friday with no weekend operation.

Mr. Bergeron disclosed a business he owns does buy and re-sell products from the applicants. The Board Members had no problem with this disclosure.

Ms. Takesian discussed the Zoning Board variance with Ms. Beauregard. Ms. Takesian said in the minutes from the Board of Adjustment, it states the lot is not commercial, but it abuts a commercial lot and apparently, it was part of another lot that was subdivided, and the commercial part was subdivided off and this became residential. Ms. Takesian said to clear the Board of Adjustments minutes, it says it is not commercial but further down it says it appears to sit in the commercial district. Ms. Masse-Quinn explained she voted in favor of this variance because it seems this property switched to different districts over time. Ms. Beauregard said the property is not commercial. She added the commercial parcel is not situated in the commercial zone. She said it is a commercial use that preexisted before zoning and believed there is a variance in place. She added it is commercial use in a residential district. Ms. Takesian added the minutes are from the April 10th, 2023 Zoning Board of Adjustment meeting. Ms. Beauregard said the minutes are meant literally. It appears it should be commercial because it seems to be in the commercial district.

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

Mr. Doherty discussed the screening and what the variance received was for with Ms. Beauregard. Ms. Beauregard confirmed the applicants asked for a variance to Article III Section 307-7 which is conformity and they asked for a variance to Article V Section 307-18, Table 2 which is a table of permitted uses. She added the Zoning Board did recommend the Planning Board look into screening and any environmental impact it could have on the parcel, and noise levels.

Mr. Bilapka said the property has been cleaned up. He felt it would need screening or fencing to block the business. Mr. O'Malley said they used stacked wood to form a temporary fence to block some of the yard. Mr. O'Malley explained they are planning to put screening to cover the business with a gate that opens and closes at the opening space and small bushes along Balcom Road. Mr. O'Malley added before they did anything permanently, they wanted to hear what the Board would like, and they will do it.

Mr. Bergeron asked Ms. Beauregard what the State Highway width is there. She said she believed it was 100 feet. He explained there is a right of way that the State owns (Rte. 38), so 50 feet from the center line of the road is State property. Mr. Bergeron said the minimum they could put bushes or fencing would be 50 feet from the center of the road. Mr. Bergeron added Balcom Road is a town road and would be 50 feet so they would need to be 25 feet from the center line of this road.

MOTION: (Masse-Quinn/Passamonte) To accept the plan for consideration.

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

Mr. Doherty discussed the screening with the Board members to include arborvitaes. They discussed the varieties and quantities that would provide the necessary screening for the property.

Mr. Bergeron added the applicants do not have any complaints or issues with abutters and appears they have a good relationship with them.

Mr. Montbleau asked about potential equipment spills and cleanup. Mr. O'Malley said they have speedy dry in case of any hydraulic leaks. Mr. O'Malley added they do not have any leaks as they have all new machines. Mr. Montbleau described a 55-gallon safety barrel that he recommended in the event of any serious leaks to contain the spill as a backup measure. Mr. O'Malley said they will do that.

Mr. Bergeron asked if they generate a lot of woodchips. Mr. O'Malley said most sawdust is mixed and composted down into the soil. Mr. Bergeron added there is a market for woodchips if they had an abundance of them.

Mr. Doherty stated the conditions of operation are Monday – Friday from 9 AM-2 PM.

The Board discussed the conditions for the natural fencing. The Board determined 16 7-foot arborvitae bushes estimated to be 4 feet apart for the fencing along Balcom Road and Bridge Street would be appropriate unless the landscaper suggested otherwise. The timeframe for the plantings would be the early fall of 2023.

MOTION: (Montbleau/Passamonte) To approve the plan with the conditions stated by the Board.

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

Case #PL2023-00017 Map 22 Lot 8-31

Shanrock Estates, LLC - 91 Main St – Seeking Site Plan review for a second driveway that was added on Main Street, less than 10% slope, that was not part of the original approved plan. Also, the area that was previously a display area has been paved and trees have been added to the eastern side of the driveway/parking area.

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

Mr. John Broski introduced himself as the Manager at Shanrock Estates, LLC. Ms. Shannon Broski introduced herself as the Owner of Shanrock Estates, LLC.

Ms. Beauregard explained this case came before the Board due to the addition of a second driveway which was a change of the original site plan that was before this Board under C & T Beauregard. Ms. Beauregard said they also

paved the area that was previously a display area. She added that because of the change in the site plan they are here for a minor revision to their original plan. Ms. Beauregard said it is her understanding that the applicants have talked to the Fire Department and the Highway Department about this second entrance, and they were both in agreement that this was a better solution.

Mr. Bergeron said he had discussed the jurisdiction of the roads and both of the roads that front this property are State maintained highways. Ms. Beauregard stated Main Street is maintained by the town. She confirmed that where the second driveway is, is town jurisdiction.

Mr. Montbleau said his understanding is the State came to the applicants and asked them to do a 3:1 drop to the main road. Mr. Montbleau asked if this has been completed. Mr. Broski answered yes. Mr. Montbleau asked when they purchased it from C & T Beauregard. Mr. Broski said about one year ago. Mr. Broski added he had just received his occupancy permit. Mr. Broski said he had a problem with his fire alarm and when the Fire Department came, they couldn't get around to the building. He said after talking with the Fire Chief and DPW, he asked if he could put a second driveway in for safety. Ms. Beauregard confirmed with Mr. Broski that the first building was put up by the previous owners, C & T Beauregard. Mr. Broski added C & T Beauregard never got an occupancy permit. Mr. Montbleau asked for Shanrock Estates to receive an occupancy permit, wouldn't they be required to do landscaping out front? Ms. Beauregard said they were required to do what the plan says, so they received an occupancy permit to operate out of the building that was already completed. She said the site plan is not complete yet so they can occupy the part of the building that is done but they still have an active open site plan until everything on the plan is done. Ms. Beauregard added this is why they are before the Board because they have made some changes to this plan.

MOTION: (Masse-Quinn/Passamonte) To accept the plan for consideration.

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

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

Mr. Doherty discussed the hours of operation of the business and the type of business. Ms. Broski said they have a mechanic on site that works in the building from 9 AM-5 PM. Mr. Bergeron reminded the Chair that the business is in the business district. Mr. Doherty adjusted the hours of operations to begin at 6 AM Monday – Friday except for snowstorms and emergencies.

Mr. Montbleau asked about safety measures for spills or leaks. Mr. Broski explained they have spill containment supplies on site, and they use vegetable oil for the hydraulic trucks.

Ms. Beauregard stated they did mark where they will be adding additional screening with extra trees along the Rte. 38 side.

Ms. Masse-Quinn clarified the conditions to include a change of hours of operations to begin at 6 AM Monday through Friday except for snowstorms and/or emergencies.

MOTION: (Montbleau/Passamonte) To approve the plan with the amended conditions stated by the Board.

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

NON-PUBLIC SESSION

MOTION: (Masse-Quinn/Montbleau) To request a non-public session per RSA 91-A:3, II, C – Personnel

ROLL CALL VOTE: Mr. Montbleau - Yes

Mr. Passamonte - Yes
Ms. Masse-Quinn - Yes
Mr. Bergeron - Yes
Ms. Takesian - Yes
Mr. Bilapka - Yes
Mr. Doherty – Yes

(7-0-0) The motion carried.

Mr. Doherty noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to seal the minutes of the non-public session and to adjourn the meeting. The Board entered a non-public session at approximately 8:20 PM.

Mr. Bergeron invited the Planning Director Ms. Jennifer Beauregard into the non-public meeting.

The Board returned to public session at approximately 9:31 PM.

MOTION: (Montbleau/Passamonte) To seal the minutes of the non-public session indefinitely.
VOTE: (7-0-0) The motion carried.

ADJOURNMENT

MOTION: (Passamonte/Bilapka) To adjourn the meeting at 9:32 PM.
VOTE: (7-0-0) The motion carried.

Respectfully submitted,
Heidi Zagorski, Recording Secretary