

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
October 2nd, 2023**

Chairman Tim Doherty called the meeting to order at 7:04 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 Hal Lynde – present
Alternate Scott Sawtelle - present
Alternate John Spottiswood – 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 Paddy Culbert

PLEDGE OF ALLEGIANCE

MEETING MINUTES

MOTION: (Montbleau/Passamonte) To review the September 25th, 2023 meeting minutes at the October 23rd, 2023 Planning Board meeting.

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

NEW BUSINESS

PL2023-00029

Map 27 Lot 2-101

52 A & B HINDS LANE, LLC – 52 A & B Hinds Lane - Seeking approval of a Special Use Permit to re-classify a duplex to a condominium form of ownership.

Mr. David Groff introduced himself as representing the applicant 52 A & B Hinds Lane, LLC.

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

Mr. Groff said this is new construction which is currently a duplex and has approval for operation of the septic

system. Mr. Groff said there is a plan included that shows the existing system location and also the alternate system location in the event this system fails.

Mr. James Bergeron asked the Planning Director Ms. Jennifer Beauregard if she had a chance to review. Ms. Beauregard said yes, and everything was in order.

Ms. Charlene Takesian asked if the addresses 52A and 52B would change or remain the same when changing the ownership to the condominium form. Ms. Takesian explained that the E911 guidelines stated that duplexes should be numbered with two numbers i.e., 52 and 54, and not with A and B. Ms. Beauregard said she would need to confirm with Ms. Susan Snide from the Assessor's Office.

Mr. Groff said the Planning Board would need to consider if the septic system met the current guidelines and whether or not there is a sufficient area available for an alternate system should this system fail.

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

MOTION: (Masse-Quinn/Bilapka) To issue the special use permit to re-classify a duplex to a condominium form of ownership.

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

ADMINISTRATIVE

Map 15 Lot 8-216

Landmark Estates – Abacoa Road, Basswood Road, Redwood Road – Request for Bond Release.

Mr. Roger Montbleau recused himself from this case. Mr. Doherty stated that Mr. John Spottiswood would vote in place of Mr. Montbleau.

Ms. Beauregard said the Planning Department received notice from Mr. Jeff Quirk of Keach-Nordstrom Associates stating that he had conducted his final inspection of this project. Mr. Quirk found the project to be in good condition and he found all of the outstanding items to be satisfactory and completed. His recommendation was to release the bond.

Ms. Beauregard said the one item that is up for discussion is the number of streetlights that were on the original plan. Ms. Beauregard said in the plan 3 out of the 5 have been installed. Ms. Beauregard said there is one resident who is concerned that the lights have not been installed. Ms. Beauregard said there is also an explanation from the developer as to why the lights have not been installed. Ms. Beauregard said the developer's explanation stated that two leach fields on both sides of the clubhouse would have interfered with where he was going to put the streetlights, so he installed a three-bulb timed light on the building itself that he felt sufficiently lit up the parking lot. Ms. Beauregard said at this point it is up to the Board to determine if this is adequate lighting or if the developer should go back and add those lights before releasing the bond. Ms. Beauregard said she did reach out today to the Homeowners Association to get their stance on whether or not they felt that the property needed more lighting. Ms. Beauregard said she provided copies of this to the Board members.

Ms. Beauregard read the following letter that came via email from Mr. Jim Ryan who is the president of the Homeowner's Association:

“Jennifer, After you called me to discuss the adding of two streetlights to our development, I called for an emergency board meeting to discuss.

The existence of a plan showing a total of five streetlights in the development was not known to the Board until this last Saturday when a resident sent a copy to us. Early this year we had a walkthrough with representatives of the developer and the Pelham, NH Planning Board. At this meeting, there were a list of actions for the developer to take and no mention was made of missing streetlights.

This is upsetting because we are told there is a meeting tonight and we were asked to take a position on whether or not these lights should be added to meet the plan without knowing the full impact of the decision.

You informed me that the developer states that the existence of the leach fields on both sides of the clubhouse, very near to where the lights in question are shown on the plan, is a concern. You also informed me that the developer states that the dusk-to-dawn timer currently in place for the three spotlights on the clubhouse provides more light than the additional streetlights would provide. I can confirm the existence of the two leach fields and given the amount of light provided by the two existing streetlights located at the intersections of Abacoa Road and Redwood Road and Abacoa Road and Basswood Road. The developer is probably correct on his statement regarding the amount of light.

It is hard for us to believe that the developer would unilaterally decide to eliminate two lights that were shown on the original plan without getting approval from the Planning Board to do so. This is between the Planning Board and the developer and not our immediate concern. We do however have some major concerns should your decision be that two additional lights need to be added to comply with the original plan.

We are concerned that the running of equipment (conduit, wiring) could damage either one or both of the leach fields. The leach fields are our responsibility and any damage caused by this action would be costly to the HOA.

We are concerned that to avoid the leach fields the hot top in front of and/or around the clubhouse would need to be excavated. The results of this decision would leave us with patched-up hot top with the possible need to have parking lines repainted.

If the Planning Board decides that these lights should be added to comply with the original plan, we would need to see specific plans on how this addition would be accomplished. We would also ask that the concerns I mentioned in this email are addressed before any action is taken. -Representing the Landmark Estates, Jim Ryan”

Ms. Beauregard added that in the Board members' packets, there are the concerned residents' complaints about the missing two lights.

Mr. Bergeron said he is upset with any kind of site plan that is set and not fulfilled before signing off on a bond.

Mr. Doherty said he is inclined to not want to see work being done and digging around the leach fields to add more lighting when it seems to be adequate lighting adding that the Homeowner's Association seems to be comfortable with leaving it the way it is.

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

Ms. Masse-Quinn said she believes the original lights should be put in if they were on the original site plan. Mr.

Doherty said they would probably have to go to a different location. Mr. Bergeron said when you have a site plan with an approved lighting situation, your underground conduit is all run before. Mr. Bergeron said he agreed with Ms. Masse-Quinn, and that he would be reluctant to release the bond at this point until the Board had more information, adding that the Homeowners Association only had a day to review. Mr. Doherty agreed with Mr. Bergeron that a one-day notice is not enough time. Mr. Bergeron said there are questions to be asked and there is no one present on either side to answer those questions.

MOTION: (Bergeron/Bilapka) To delay any action on the bond release to allow ample time to hear from the developer and the Homeowners Association.

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

Mr. Bergeron asked the Board if this should not have been picked up by Keach-Nordstrom Associates. Mr. Bergeron said he thinks that a site plan with approved conditions should be checked and picked up by their engineering firm. Mr. Doherty and Ms. Masse-Quinn agreed with Mr. Bergeron.

Mr. Joe Passamonte asked if anyone had notified Keach-Nordstrom Associates. Ms. Beauregard said it was discussed with them and they thought it was a minor change and although some minor changes can be made through the Planning Department, she didn't hear of it until after the fact. Ms. Beauregard said no one asked the Planning Department whether or not they could do it or if they needed to come before the Board.

Ms. Takesian said the bond is to make sure the developer does fulfill their obligations, so the Homeowners Association should not worry that they will have to pay for it or that it would look shabby because the bond will pay for it to be made right.

NEW BUSINESS

PL2023-00028

Map 38 Lot 1-156

CEDAR CREST DEVELOPMENT, LLC (applicant), BURTON, Eleanor Revocable Trust (owner) – Sherburne Road - Conceptual discussion of a 26.9-acre parcel to construct 52 single-family homes as a private community, no public road proposed. Amenities include 2 parks, a fenced-in playground, a community garden, and a pond for collection of rainwater (for irrigation). The proposal is also to install a waterline connecting the property to municipal water in Dracut, MA, also giving others in the area the possibility to connect to the waterline as well.

Ms. Masse-Quinn read the list of abutters.

Mr. Kurt Meisner introduced himself from Meisner Brem Corporation to represent Cedar Crest Homes. Mr. Meisner explained they have a conceptual plan that was discussed informally last Spring. Mr. Meisner said they brought it back to further discuss the potential project. Mr. Meisner said the property is located at 243 Sherburne Road and it is a 26.9-acre lot in the residential district containing two small wetlands of 1.85 acres. He said the remaining land is 25 acres and is dry and buildable. Mr. Meisner said they came up with a number for the lots based on the soil sizing that NHDES (New Hampshire Department of Environmental Services) would allow for this site. He said part of the reasoning that they are a 52-unit project is because this is what the state would allow for septic and wastewater disposal but also to offset the cost of running a water line from Dracut. He said the project includes two parks and recreation areas in the centers and has incorporated a pond that would be used for irrigation to be sensitive to the water issue. Mr. Meisner said the project would be served by 17-20 individual septic systems that would be spread

out throughout the site and would supply wastewater locations for the units.

Mr. Meisner said there was a concern with a water issue in this particular area. He said they have explored getting municipal water from the Town of Dracut and that has been approved now and they have in place an agreement for 105,000 gallons per day. He said Cedar Crest Homes explored what it would take to get that water from the Dracut town line and up to this site. Mr. Meisner said they then devised a layout that went through their site and had access to other homes that were lacking water. Mr. Meisner said the issue of bringing water to the other residents is a cost of approximately \$2,000,000. Mr. Meisner said they have the potential to bring places in the community of Pelham municipal water and in retrospect to bring that in they would need to provide some offsets to that. He said they are looking to build 52 single-family condominium homes that are approximately 2,500 sq. ft. and along with that they are trying to be environmentally conscientious with the parks and irrigation. Mr. Meisner said the water line is a benefit to the community of Pelham and anyone along the route and anyone who is an end-user of that route, adding that it is an opportunity for the Town of Pelham to resolve some water issues for their citizens.

Mr. Passamonte asked if the measurement of the 10,000-foot water line started at the top and how far down it would run. Mr. Meisner said it goes from the Dracut town line and goes into the project through the entire project until the end and some stubs would go off to Marie Avenue and Chardonay Road.

Ms. Takesian asked how the water would get up the hill. Mr. Meisner said it would be pumped up the hill and is part of the engineering project. Mr. Meisner said they are trying to get an idea if the Board would be behind this project. Mr. Meisner said if they were in favor of the project, they would go forward with further engineering.

Mr. Passamonte said this would provide the opportunity for other residents to tap into the water line. Mr. Meisner said yes and explained this is where the project idea came from.

Mr. Aaron Orso from Cedar Crest Developments introduced himself. Mr. Orso said they mailed out packages back in February to the abutters with information packets on what they were trying to explore. Mr. Orso said the 10,560 lineal feet of water line that they are considering running included stubs for Skyview, and Chardonay and also to run the water line for Marie Ave, Nicholas, and Appleton. Mr. Orso said when he attended the Board of Selectmen meeting in late spring, they discussed adding a betterment fee to every purchaser of one of these homes in the amount of a \$5,000 impact fee that would be collected and applied to extend the additional lines onto Spaulding, Salvin, and Spaulding Hill. Mr. Orso said at this point they had calculated enough for what they considered areas to be in the most need.

Mr. Bergeron said this is only a conceptual discussion at this time. Mr. Bergeron confirmed with Mr. Meisner that after the wetlands, there would be 25-25.05 acres, 105,000 gallons of water potentially being available from Dracut and the homes would be 2,500 sq. ft. each. Mr. Bergeron said when he looks at the plan and sees the number of 52 homes and sees the parks it may be stretching the soil types that are there for 20,000 feet of those conditional soils necessary to satisfy DES. Mr. Bergeron said the concept would require us to ask the public to adopt an ordinance to allow an innovative land use zoning ordinance to go ahead with this.

Mr. Bergeron asked Mr. Meisner if he had any preliminary discussions with the Water Commissioner and also how he would propose that the system be handled after the fact. Mr. Meisner said they had a soil scientist go out and map the site resulting in over 35 test pits. Mr. Meisner said that they took that soils data and pulled that into a formula that NHDES has for wastewater supply and came up with the numbers that they would be allowed to put onto this site. Mr. Bergeron asked what type of systems they would be. Mr. Meisner said they would use a conventional septic system. Mr. Meisner said they have had some discussions with the Water Commissioner. They have talked about what happens if the system is in the ground and in place then someone has to own that, someone like Pennichuck would have to take over and manage the systems. Mr. Orso said they tried to come up with some sort of solution to

be able to develop the land. Mr. Orso explained that he understands that the town does not have an ordinance in place for this type of development, but he has worked with other towns that haven't had an ordinance in place either. Mr. Orso said they were before the Planning Board to receive some direction in order to go to the Zoning Board of Adjustment if the Planning Board was in favor of the proposed concept.

Ms. Takesian questioned the pricing of the 10,000-foot water line for \$2,000,000, resulting in \$200/foot. Mr. Orso explained they had estimates at \$160/foot without major ledge and about \$300/foot may be more realistic. Ms. Takesian said the volume of homes would allow the payment for the \$2,000,000 water line. She added that this does not include the pump house and the \$5,000/house betterment fee to extend the line. Mr. Orso said they would have already run the 10,560 feet of waterline so the town would have a slush fund of over \$200,000 to extend to maybe another street. Mr. Orso said this is an opportunity to bring water to an area in need in a fast timeframe.

Mr. Doherty confirmed with Mr. Orso that the water line would run 134,00 gallons and the area would require 104,000 gallons. Mr. Meisner said 52 4-bedroom homes would use approximately 30,000 gallons per day. Mr. Doherty and Mr. Meisner compared it to an 18-home development and determined this would require 11,000 gallons of water to come out of the ground. Mr. Orso said they have been working with an engineer to have all rainwater stored and collected to use for irrigation. Mr. Orso said in terms of disturbance to the area, whether it is 18 or 52 homes, it would be the entire site regardless. Mr. Doherty asked what the net would be if you put the 34,000 gallons of water into the ground and did not take it out. Mr. Bergeron said a conventional would take out 11,000 and this proposal would add 30,000 so they would be hydraulically changing the area to increase the amount of water that could be absorbed by the earth and that could recharge the wells downslope. Mr. Bergeron said there would be no loss, this would be a net gain. Mr. Doherty asked how many more potential 4-bedroom homes could in the future go on this water line. Mr. Meisner said 175 homes. Mr. Bergeron said the Planning Board would need to look at the build-out potential in this area.

Mr. Meisner said this could have huge potential for the community. Mr. Doherty explained he was determining how many more homes could potentially be developed in this area that would need water from the ground if the water line did not come in from Dracut. Mr. Doherty said there is a potential additionally for 100 homes off of Sherburne Road towards the Hudson line. Mr. Meisner said those additional homes would take 600 gallons out of the ground. Mr. Doherty said it could be 75,000 almost 100,000 gallons of water a day coming out of the ground in that neighborhood on full development. Mr. Meisner added if it could come out of the ground. Mr. Bergeron said the big problem is that it isn't coming out of the ground in that area. Mr. Bergeron said if that land is going to be developed, water has to come from an outside source.

Mr. Doherty asked if Londonderry had water regarding the development discussed. Mr. Orso said yes. Mr. Doherty asked for the name of the development that Mr. Orso did in Londonderry, NH. Mr. Orso said it is called Winni Estates on Young Road.

Mr. Bergeron said the Zoning Board of Adjustment cannot spot-zone the piece of land. Mr. Bergeron said they would need a warrant to change the zoning.

Ms. Takesian commented that there is an added fee from the town for any home built on Sherburne Road to help with the existing traffic issue. Ms. Takesian said this would add 100 kids to the school system.

Mr. John Spottiswood said the reason we do not have a cluster housing ordinance is that the people of the town did not want it and it was voted away.

Mr. Montbleau said unless they know that it is going to get the zoning changes that are necessary to move forward, it is hard to decide on this. Mr. Montbleau said they need to make sure the soil capacity can handle the septic systems.

Mr. Montbleau said they always have their engineer review and provide an opinion to verify the soil tests.

Mr. Hal Lynde asked why anyone has to wait for a warrant article. Mr. Doherty said they do not have in their zoning any ordinances that would allow for this development to go in.

Mr. Bergeron said a new definition has been brought to his attention by Ms. Beauregard about spot zoning. Mr. Bergeron read from a Supreme Court hearing, a section that states “An area is spot-zoned when it is singled out for treatment different from that of similar surrounding land which cannot be justified on the basis of health, safety morals, or general welfare of a community.” Ms. Beauregard said it is followed by “however the mere fact that an area is small and is zoned at the request of a single homeowner and is of greater benefit to him and to others does not make a case of spot zoning if there is a public need for it or a compelling reason for it.” Ms. Beauregard said that it was from the case Shattiluck vs. Concord and the other case was Bosse vs Portsmouth. Mr. Meisner said the hardship to this parcel would be the same to the abutting properties in the general public if they bring water, it would be a benefit to the community.

Ms. Masse-Quinn said if you look at the town’s moratorium under Section V Enactment, it states: “The Town of Pelham Planning Board or Zoning Board of Adjustment shall not formally accept or act upon any site plan applications for land on and or roads off of the Sherburne Road area within the Town of Pelham for Residential Housing, Duplex Housing, Multi-Family Housing, Apartments, Condominiums or any Minor and/or Major subdivision applications as defined within the Pelham Zoning Ordinance until the expiration of this temporary ordinance, or upon demonstration that any such land has suitable municipal water or Pennichuck Water supply is made available to properties subject to this Sherburne Road Area Temporary Growth Management Ordinance. This interim ordinance shall apply to any building permit, subdivision, or site plan application for Residential Housing, Duplex Housing, Multi-Family Housing, Apartments, or Condominiums, for any subdivision of land for residential purposes and non-residential site plans, on any land located within the Sherburne Road area in Section III identified above.” Ms. Masse-Quinn said it appears that the Board of Adjustment cannot hear a case unless the Planning Board says there is sufficient water on the site. Mr. Orso said they were recommended to come to the Planning Board for direction before they went to the Zoning Board.

MOTION: (Bergeron/Montbleau) To open the discussion to the public.

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

Mr. Doherty opened the discussion for public input.

Ms. Kimberly Abare introduced herself as the Chair of the Water Commission. Ms. Abare said the number from Dracut would be 134,000 gallons per day. She said they are currently waiting for a home rule petition to be signed by the Massachusetts legislature. Ms. Abare said she has actively been following up with the Massachusetts State representative from Dracut with her staff. She was told it would take some time to receive this. Mr. Bergeron asked if there is a potential for a number to be available in time for a warrant article this year. Ms. Abare said she is under the impression that nine months from last week, June 20, 2024, they will have two reports finished by Weston and Sampson and approved by the Department of Environmental Services to bring water to Pelham in a variety of different ways. Ms. Abare said they received two grants from the Department of Environmental Services. Ms. Abare said the first grant is to source the water and the second grant is where they will lay the pipe. Ms. Abare said they took a map and put a large circle around the Sherburne Road geographic area as a top priority for the quantity of water issues. She said then they took and circled other areas of town that have quality issues. She said with all of that data and the encouragement to have all of the residents continue to test their water so that they can pull information from the state and continue to figure out where they will continue to lay pipes. Ms. Abare confirmed that on June 20,

2024, both grants will be completed, and they will be ready to take that plan and apply for the large grant from NHDES and they will be putting forth a warrant article for whatever percentage DES does not pick up. Mr. Doherty confirmed with Ms. Abare that this is completely separate from the Dracut water line.

Mr. Paul Dadak from 17 Blackstone Circle introduced himself adding that his home frontage is on Sherburne Road. Mr. Dadak said the waterline survey was stated to be sent to everyone who may be affected. He said he did not get it directly and received it from a neighbor. Mr. Dadak said the survey implies a waterline that would come up Sherburne Road, would pass Chardonnay, past his house, and to Spaulding Hill to put stubs in Marie and Nicholas. He said it is not well explained in the survey. He said he is potentially affected and curious about how he may be affected. Mr. Dadak asked how many people who got this survey responded. Mr. Dadak asked to define specifically how it might affect other people who may not be direct abutters but live on Sherburne Road. Mr. Orso said he mailed out about 140 packages to Nicholas, Marie, Spaulding Hill, Appleton, Slavin, Scenic View, Majestic Avenue, and McGrath. Mr. Orso said he received probably less than 10 of them in support of the development. Mr. Orso said the packet included an introduction of who he is, what his family does, and what the idea was and all about, the petition, and a laid-out idea of the groundwork and where he would leave stubs on the waterline.

Ms. Margaret Fletcher from 9 Powderhorn Drive introduced herself. Ms. Fletcher said she chose this house because of the floor plan and because it had a well. Ms. Fletcher said as nice as this looks on paper that it may be an overdevelopment for the water and the schools. Ms. Fletcher said she believed the property would be better developed with age-restricted housing or fewer homes.

Mr. Steve White from 16 Chardonnay Road introduced himself. Mr. White stated he probably would not have bought the home on Chardonnay if his builder had been upfront about the water issue. Mr. White said we have a conundrum here. Mr. White said the owner of this property is entitled to develop this property. He said if the property wasn't developed and went into conservation, it wouldn't do any good to the residents there for water. Mr. White said the builder can get anywhere from 15-18 homes there, which would take a tremendous amount of water out of the ground and only cause more problems for the existing residents. Mr. White said no one wants to see this type of cluster development and it is right in his backyard. Mr. White said, but it is probably the best solution if the water comes with it. He said you will take care of this development with water and many homes in the area that have problems with their water. Mr. White explained that three things could happen: nothing; the big development which is probably the best solution when looking at the water problem, and the worst possible thing that could happen is too much pushback on these builders and then they will get legal counsel, come back to the town, and build the 15-18 home development with drilled wells. Mr. White said it cannot stay the way it is there.

Ms. Brenda Phinney from 48 Nicholas Lane introduced herself as a direct abutter. Ms. Phinney said she ran out of water two weeks ago and stated that water is needed however expressed traffic issues around 3 pm-4 pm in the Sherburne Road area. She said 52 houses would add another 100 cars on Sherburne Road causing triple the amount of backup on both ends of Sherburne Road. Ms. Phinney also said she is concerned about the loss of the natural habitat and wildlife and the effects it could have on the wetlands. Ms. Phinney said the wetlands directly abut her property and would be concerned about how the development would affect them.

Mr. Ed Keyes from 228 Sherburne Road. Mr. Keyes said he does not see a problem with this. He is for it. Mr. Keyes said the developer conserved a lot of wooded areas for the wildlife. Mr. Keyes said he moved here in 2009 and has not had any problems with water and does not see problems happening with water with this development.

Mr. Jim Tourtillotte introduced himself from 26 Majestic Avenue. Mr. Tourtillotte said the meeting Mr. Orso and Ms. Abare hosted that was held with the landowners was very select. Mr. Tourtillotte said as an abutter he did not receive any notification of this meeting. Mr. Tourtillotte said at this meeting it was specifically talked about that pipelines would run down neighborhood roads and that folks would have to pay \$6,000 to \$10,000 to tap into these waterlines.

Mr. Tourtillotte said tonight's conversation seemed to shift and that waterlines would stop on streets and not run down them. His question is how this impacts the folks that are on these streets and how much more is it going to cost them to add this water to their home. Mr. Tourtillotte said there is community land that abuts this on Skyview and is not sure why every person in Skyview was not notified. He asked in the future if everybody in the community can be notified. Mr. Orso said they followed State and Town guidelines on who they notified for abutters. He added that the homeowner's association of Skyview was notified as well. Mr. Orso said it would be on the homeowner to bring the water line from the street to their home. Mr. Orso said he did estimate \$6,000-\$10,000, adding that there are variables he cannot predict i.e., if they have septic in the front lawn or ledge which would impact the cost.

Mr. Donald Place from 27 Majestic Avenue introduced himself. Mr. Place asked the Planning Board why there wasn't a question about the town building a system to provide water to the residents. Mr. Doherty said this is not in the purview of what is in front of the Planning Board.

Ms. Abare said that it is still possible for the Sherburne Road area to do a warrant article to cover just their area. Ms. Abare said if the waterline is not brought by this builder to this area and said she would write a warrant article. She said she believed the odds of the citizens of Pelham voting to pay for one area of town is very a very low possibility.

Mr. Doherty closed the discussion to the public.

Ms. Takesian asked what the abutters' process is about notifying the HOA versus the individual homeowners. Ms. Beauregard said the HOA is the legal ownership of the property and it is their responsibility to notify everyone within their community.

Ms. Takesian said it was mentioned that the study being done by Weston and Sampson is going to be completed in June of 2024 and the warrant article wouldn't go onto the ballot until 2025. This was confirmed.

Ms. Takesian asked if trees could be left when developed and not clear-cut. Mr. Orso said he is in favor of not cutting all of the trees. Mr. Orso said with a project like this, everything is provided adding the landscaping and snow removal is taken care of resulting in everyone's property looking pristine. He said keeping a natural border and buffer is what he would like to keep as much as possible.

Mr. Doherty asked about the wetlands that were brought up by one of the abutters. Mr. Meisner said there are two wetlands shown on the property. Mr. Meisner said they did have the wetlands flagged by Luke Hurley from BSC Environmental Group. Mr. Doherty asked what they would do to make sure water didn't enter the wetland and get into the abutter's property. Mr. Meisner said it is part of their drainage system. Mr. Meisner said all of the water is directed towards the irrigation pond. Mr. Meisner said the low point in the road is in front of that wetland. He said he believed they were going to try and run that water towards the east side of the road towards the irrigation pond. Mr. Meisner said any of the engineering designs they do will be reviewed by DES. They would have to get an Alteration of Terrain permit and additionally, they would have Keach-Nordstrom review the plans to make sure there is no additional runoff going into or off of their property.

Mr. Meisner said their wish would be to either provide a warrant article on a zoning amendment and/or go to the Zoning Board. Mr. Meisner said they would like to feel comfortable leaving here that the Planning Board is either in favor of the project or at least not negative towards it. Mr. Doherty said he would like a couple of weeks to process the information and to see the other project that was done in Londonderry and possibly have them back again. Mr. Meisner suggested once they regroup and make the next proposed move, what would the process be to come back to obtain a letter of support from the Planning Board? Mr. Doherty said he would like to make sure the public was aware of plans moving forward. Mr. Doherty asked how the members felt about having them back for another meeting. Ms. Takesian said when she came into this meeting, she was not in favor of this, but after the meeting, she

was not as negative as she was about it before. Ms. Takesian said she would like to view the Londonderry development and the Sherburne Road area again and expressed concerns about the traffic issues. Mr. Meisner said Sherburne Road is a state-owned road so they would have to apply to the DOT for a curb cut permit. He said when they do that, they review the entire section of the road and property. He said the DOT has traffic reports and studies that they can use to determine the traffic concerns.

Mr. Bergeron said to say if he is in favor or not would be premature. Mr. Bergeron explained they do not have enough information at this time. He said they do not know how this would hook up with Pennichuck and they do not know if they will get 134,000 gallons of water from Dracut. Mr. Bergeron said they could hold a joint meeting with the Zoning Board of Adjustment as an option. He said they also have to consider the regional impact of the traffic issues.

Mr. Orso said from here they can solidify a couple of things noted. He said he would be happy to have his traffic engineer complete a traffic report on the area and the impact of adding 52 homes. Mr. Orso confirmed that Pennichuck would take over the line and the responsibility of the water line.

Mr. Passamonte asked if any of the survey responses were negative. Mr. Orso said most people wanted to support the project only if they knew if the project failed that they wouldn't put wells in. Mr. Passamonte said if he lived in a home that had water issues, he would be for this because without water your home would not be worth anything.

Mr. Doherty asked when the Moratorium expired. Ms. Masse-Quinn said it was adopted on March 7th, 2023 for one year. Ms. Mass-Quinn re-read from the Moratorium under Section V Enactment: "The Town of Pelham Planning Board or Zoning Board of Adjustment shall not formally accept or act upon any site plan applications for land on and or roads off of the Sherburne Road area within the Town of Pelham for Residential Housing, Duplex Housing, Multi-Family Housing, Apartments, Condominiums or any Minor and/or Major subdivision applications as defined within the Pelham Zoning Ordinance until the expiration of this temporary ordinance, or upon demonstration that any such land has suitable municipal water or Pennichuck Water supply is made available to properties subject to this Sherburne Road Area Temporary Growth Management Ordinance. This interim ordinance shall apply to any building permit, subdivision, or site plan application for Residential Housing, Duplex Housing, Multi-Family Housing, Apartments, or Condominiums, for any subdivision of land for residential purposes and non-residential site plans, on any land located within the Sherburne Road area in Section III identified above."

Ms. Masse-Quinn read from the Moratorium under Section VII Exempt Applications: "The provisions of this interim ordinance shall apply to all properties within the Sherburne Road area unless the property owner can demonstrate that the owner's property has either access to a fully suitable public water supply source or that the owner can demonstrate that an existing lot or each proposed individual lot has sufficient water capacity and water quality to meet the proposed lot's land use water supply needs and requirements."

Mr. Doherty asked the Board members if they would like the applicant to come back before the Board. Mr. Meisner said he does not know if that would be fruitful because their plan will not change. Mr. Meisner said they received feedback from the abutters and the Board to know the direction in which they will go.

ADJOURNMENT

MOTION: (Montbleau/Passamonte) To adjourn the meeting at approximately 9:57 PM.

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

Respectfully submitted,
Heidi Zagorski, Recording Secretary