

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
June 21, 2021**

Chairman Tim Doherty called the meeting to order at approximately 7:00 pm.

Secretary Danielle Masse-Quinn called roll:

PRESENT ROLL CALL: Tim Doherty – present
James Bergeron – present
Danielle Masse-Quinn – present
Cindy Kirkpatrick - present
Alternate Bruce Bilapka – present
Alternate Samuel Thomas – present
Alternate Paddy Culbert – present
Acting Planning Director Jennifer Beauregard – present

**ABSENT/
NOT PARTICIPATING:** Roger Montbleau
Paul Dadak
Kevin Cote
Hal Lynde
Alternate Richard Olsen

PLEDGE OF ALLEGIANCE

MINUTES

Mr. Doherty assigned Mr. Bilapka and Mr. Thomas as the alternates

June 7, 2021

MOTION: (Bergeron/Masse-Quinn) To accept the June 7, 2021 meeting minutes at the next meeting.

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

DISCUSSION

2022-2028 Capital Improvements Program (CIP) and Master Plan

Mr. Thomas said that the sub-committee has been formed consisting of Ms. Masse-Quinn, Mr. Bergeron, Mr. Sherman from the Budget Committee, they will be asking for someone from the Board of Selectman, Ms. Beauregard, and Mr. Thomas. The first meeting is planned for July 7th. All of the requests for inputs from the various departments are due on Friday the 25th. He will be meeting with Ms. Beauregard on

Thursday to review what needs to be done for both the CIP and the Master Plan. All of the documentation will be provided at the first meeting. Mr. Doherty asked Ms. Beauregard to reach out to the Board of Selectmen to get the name of the representative. The first meeting will be to review the input received from the various departments. Mr. Thomas will ensure that the members will get a copy of last year's report along with the spreadsheet that was presented to the Planning Board, Board of Selectmen, and the Budget Committee. This is an advisory committee; they make recommendations to the Budget Committee on what the various departments want for any expenditures over \$75,000. They will prepare the documentation, they also do it in conjunction with the NRPC who will help prepare the report and the spreadsheet. They will first present to the Planning Board, then to the Board of Selectmen, then to the Budget Committee.

Regarding the Master Plan, he has received the samples that was prepared both from NRPC and Resilience. He will be going over them with Ms. Beauregard on Thursday. He would then like to schedule a meeting to review those two reports so that the Planning Board can then decide on which of the two firms they would like to go with. They will then have to go before the Board of Selectman and the Budget Committee so that they can make their recommendations and have it either as a budget within the Planning Department or as a Warrant Article. When they do present it to the Planning Board, they will distribute it electronically as well as hard copy and will provide a summary of key points along with criteria that the board talked about so that a decision of which firm the board would like to go with can take place.

Mr. Thomas noted that he forgot to mention that they would be forming a Master Plan Committee. There are usually about fifteen members that are on the committee, people from the Planning Board along with the Board of Selectmen. Something that was suggested was to try to have some of the younger residents in the town such as one or two high school students on the committee since this plan is going out far enough that by the time, they become adults in about 3 or 4 years they would become part of this plan. They will form the committee sometime in late July or early August.

Pelham Buildout Project

Mr. Doherty asked Ms. Beauregard to discuss the Pelham Buildout Project. She does not have much information yet other than they are looking for some information from the Planning Board to find out how far they want them to go with their review. Ms. Beauregard read the email into the record from Ryan Freedman, Senior GIS Planner for NRPC. He stated that the first deliverable base scenario was due to be presented to the board by the end of July.

He stated that the scope of work says that the town can specify how far out to go for the base scenario under current land use and zoning assumptions—20 years, 40 years, or until the town is entirely built out. He asked what would be the most useful to the town/board members. He believed that most buildouts in the past have gone as far out as possible until entire buildout.

He asked to get on an agenda for late July/early August and would like to add all the upcoming developments that are known to be coming in the future so he could add them to the base scenario.

Ms. Beauregard said that she could take care of the upcoming projects but needs the board's input for the other two.

Regarding item 1, Mr. Culbert said that he would like to go out as far as we can.

Mr. Doherty asked Ms. Beauregard if the buildout would become part of the Master Plan and she confirmed that it would. He felt if there was enough money committed to this project then they should go with a full buildout analysis. The consensus of the board was to have a full buildout done.

They will put them on the agenda for July 19th. Ms. Beauregard will contact Ryan.

PUBLIC HEARING REGARDING CHANGES TO LAND USE REGULATIONS

Mr. Doherty assigned Mr. Bilapka and Mr. Thomas as the alternates voting.

Mr. Doherty asked Ms. Beauregard to introduce the people she brought forward. Ms. Beauregard introduced Lori Mather a consultant from GeoInsight who has been helping the town through the MS4 permitting. She is here to answer some questions if she can in regard to changes in the Land Use Regulations relative to stormwater management. Also, Dena Hoffman came forward. She is the town's Environmental Regulation Compliance Specialist. She has been working closely with Lori and was present in case she can add any insight.

Lori Mather introduced herself she works with GeoInsight as an Environmental Consultant for the town for the EPA MS4 permit compliance.

Dena Hoffman introduced herself she is the Environmental Compliance Specialist for the Town of Pelham.

Mr. Doherty asked Lori to explain how the EPA is requiring this of the town. Ms. Mather replied that the town falls under the EPA National Pollution Discharge & Elimination System's permit. The municipal part of it falls under the MS4 program which is Municipal Separate Storm Sewer System. That is identified by certain urbanized areas through the US Census Bureau and Pelham has at least half of the town that falls under urbanized area. There is a permit that is about 200 + pages long that the town is obligated to meet the regulations of that permit under certain conditions. One of the things that they have to do is update the land use regulations to include certain language and certain requirements to be able to improve water quality. Ultimately this is about improving and preserving water quality. Water is collected in the storm sewer systems, and it runs off across lawns and pavement, it collects pollutants as it goes into that, and it discharges into receiving waters within the Town of Pelham. Those pollutants are then discharged into the receiving waters. The goal of the EPA's program is to be able to improve the water quality by putting into town regulations and to provide public education and through a series of minimum control measures to be able to help the town have a program that they can build on to try and improve water quality overall.

Ms. Hoffman stated that there is a section in the MS4 that specifically says that the town needs to have these requirements in the land use regulations.

Ms. Mather stated that in the package that the board received, there are two sections that relate to regulation development and the things that are required of the town to put into the regulations and she highlighted a few pieces of it. The first for the minimum control measure for the construction site runoff and the town is required to manage the construction activities that result in a land disturbance of greater than an acre. In the current regulations it is less. She also highlighted specific things that are required to be in the regulations. She stated the Town has a regulatory mechanism for erosion control already within the regulations. She added some language to strengthen some of that stuff to include wastes that are onsite such as construction debris. Inspections and enforcement are part of the regulations. The second section of the permit that applies is the minimum control measure #5—storm water management and new and redevelopment and there is a cadre of different items in there as well that talk about the different requirements for regulation development that are required or language that needs to be in the regulations so that new development and redevelopment within the town is also looking to improve water quality.

Mr. Doherty asked about the mention of the 1 acre disturbance and that Pelham required less. Ms. Mather said that Pelham required less than an area so that it would impact smaller sites; the permit is a little broader. The town is just being a little more stringent; the permit has the minimum requirements.

Mr. Doherty asked about the standards for the watershed communities. He had done some reading and interactions with various people around Great Bay. When that was going on and being implemented, how did the EPA drag the rest of the state into the thirty some odd communities that are involved in the direct water and into the rivers and streams that go into Great Bay that only affect 34 or 38 communities. Ms. Mather replied that this is a model storm water standard; it is written by the coastal watershed community. This is not necessarily only related to the nitrogen impairments that they have in the Great Bay; it is more of a broader base regulations or standards for regulations. It is not requiring anything to be done that are specific to the Great Bay, it is what the EPA has deemed to be a well written document that they feel is able to be spread throughout the state as opposed to having everyone create a new set of standards. In the handout, Ms. Mather provided the actual document that the permit references and what is required to be referenced in the regulation, but she also provided a document “MS4 permit requirements for MCM5--SWA12”. What she tried to do was to break it down to a smaller document so that it was more directive. The handouts are for the board’s reference so they could see where some of these regulations and some of the language in your regulations have come from. One thing that she wanted to point out was that the permit was revised in January of 2020. The regulations that they proposed were given to the town last May or June so that was before the permit was revised and there is a section in the permit that was revised that does affect the regulation writing that has not been incorporated into this package. There are two sections that are copied into the original permit that can probably be narrowed down and a little smoother, but they are a little in contrast with the SWA12 at this point because that is when the permit switched over.

Ms. Beauregard asked Ms. Mather that originally, they were under the understanding that this needed to be incorporated by the end of the month to meet their obligations. Ms. Mather stated that it was originally due at the end of last year prior to the changes that were done. Technically, it was extended to the end of this year, June 30, 2021. But she thinks that the town is showing good faith in that it is being worked on.

Mr. Bergeron had some general questions looking at the document. He wanted to know what the board would need to do that they do not do now relative to these revised regulations? What complicity will it add to the process? Ms. Mather replied that there is a decision that the town has to make in general about MS4 and actually has made when Jeff Gowan was involved in this. The town is not parsing whether you are in an urbanized area or not—they do not want to have two separate sets of regulations. If you are going to be disturbing land within the area from a permit perspective based on the town’s area threshold, then you will have to manage your storm area which these regulations do. There is additional language that the EPA requires. It is not adding the burden to the board. Ms. Beauregard agreed that a lot of the requirements would be reviewed during plan review by the Engineering Consultants and overseen as they are doing their construction. Mr. Bergeron asked if plans would have to go beyond the peer review or beyond the local level. Ms. Mather replied that the EPA is asking the town to manage the storm water. These are requirements that the EPA has put on the town, and they are not asking to review these things, but the EPA could come in and ask to see your procedures for doing it, they may want to look at a plan set that has been reviewed, treatment for the storm water, looking for those kinds of things. They will not come in to look at individual site plans, more about looking to see your program to see how you are managing the storm waters with the developers.

Mr. Doherty said that they currently have this in the Land Use Regulations and the Planning Board has the ability to waive anything within them. He wanted to know if it would be acceptable to be in this document as opposed to an ordinance. Ms. Mather replied that they are not specifying where it needs to be. Her suggestions to the towns that she has worked with is to keep it in regulations since it will be easier to make adjustments as time goes on. The EPA is looking that the town is performing due diligence and that the town is truly managing that piece of it.

Mr. Thomas asked if the document was the standard that they would reference. Ms. Mather replied that this is the standard that the permit requires. Ms. Mather noted that it is referenced in town's regulations on page 96. SWA12 is just a cheat sheet of the document, more of a summarized version.

Ms. Masse-Quinn asked how many towns to date have adopted this and how many were up to date and included this? Ms. Mather answered there are 60 MS4 communities in this state, it is a permit requirement not a matter of adoption. She works with 3 communities including Pelham and none of the three have yet.

Steve Keach, Keach-Nordstrom Assoc. Inc. came forward. He had an opportunity to go through the draft storm water amendments and although he views MS4 for what it really is and in his humble opinion it is federal overreach he explained that it is here and it has to be deal with. There is a federal mandate that the town adopt regulations. He stated that the town hired a capable consultant to help with these regulations and in his opinion the consultant has done a very capable job in delivering what he views as a compliant set of regulations. Mr. Bergeron had earlier asked a question of how this would impact the board and Mr. Keach's belief is that the Board will be impacted the least of all affected parties. Pelham is a sophisticated community, and it has been for a long time. He stated the Planning Board has had good storm water standards since prior to 2009 when he arrived and started working with them. When they drafted the current body of land use regulations several years ago, they updated them to reflect maturation of how to deal with storm water in New Hampshire that has trickled down from the state level. They used to have something called an NHDS site specific program and it was replaced a little over a decade ago with the Alteration of Terrain Permit program through the NH Code of Administrative Rules created design standards that in terms of what was in the content of an applicant's drainage report, what they have to demonstrate, quantity, quality and effectively mimics what MS4 would have you do. There are very few changes with the adoption of MS4. The site-specific program through the administrative rules talks about requirements for treatment, but it does not quantify it to say 90% removal of total suspended solids, 60% removal of phosphorus. It leaves that part out based on the presumption that if you do one of the things that they require or advocate, chances are you are going to hit that threshold target that is the MS4 specified target that is in the draft regulations. As far as implementation, the parties that are going to be most affected are the pool of consultants that come in and present to the board. He explained that the town currently has a regulatory scheme combination of state jurisdiction and municipal jurisdiction in New Hampshire where if someone opts to develop land in Pelham, they look at what the regulatory scheme is that they need to comply with DES agencies, most likely alteration of terrain permit programs and our local regulations and they design to the higher standard. When he reviews a plan on the board's behalf he makes sure that they satisfy our requirements. When the staff at DES reviews an application, they do the same thing to make certain that at the end of the day the higher standard is what is on the plan and that is not going to change. As far as the content of drawings, you are not going to see a dramatic change in drawings with design solutions on most of the projects that come before you that require an AOT permit. The 20,000 square foot threshold is going to create a significant change for the landowner who may have an existing site plan, non-residential business and want to put an addition on or do renovations and hits that 20,000 square foot threshold. It is a redevelopment project--it qualifies by definition, but you still have an expectation—it did not have the scrutiny that it will have to have today. In perspective the guy that comes in to put 5,000 square foot addition on his/her business that disturbs 21,000 square feet an engineering build through their own consultant will be probably around twice what it would be today in order to administer these standards. Their construction cost for site improvements will be significantly higher than it is today to accomplish the same outcome because of the expectation of dealing with storm water. People who do residential subdivisions are probably largely unaffected because in most cases where road are being built and infrastructure will have an AOT. They will see very little difference in how they conduct their business. From his perspective if he reviews an application, he is going to review it to the town's standard and his job is either very easy or very difficult depending on the quality of work done by the person who prepared the application. During inspection it will not make much of a difference, they either are building what is on the approved drawings or they are not. The part of the regulatory piece is the requirement for operation

and maintenance is already here at the AOT level and has been for a number of years. Instead of a condition in an AOT permit, it is part of a regulatory matter in the Land Use Regulations in the town of Pelham.

Mr. Bergeron made a point that he has a problem when it is \$10,000 of bureaucracy for \$1 worth of improvements. Mr. Keach said that was spot on—cost, benefit. He said that there will be a minority of land development proposals where when asked does the benefit outweigh the cost and the answer will be no. The board has a statutory right to waive any part of their regulations, since the regulations reside with the board.

Mr. Doherty discussed Section 203-5.A about not liking the word “major” being stricken out and further discussion around major versus minor sub-divisions ensued. Even if it is a minor sub-division, it does not relieve you of the storm water standard if you hit that 20,000 threshold.

Ms. Mather referenced that under 100-6 the section that is highlighted in yellow was sent to the town for discussion. The 20,000 square feet was just a suggestion to prompt discussion. The permit requires that the threshold not be more than an acre. The town can make this threshold what they want as long as it does not exceed the one acre.

Mr. Keach talked about when he sat with Sandown about a month ago. They went to 40,000 square feet, 20,000 square feet. They did this because it is a more rural community, and they create bigger lots. What they were trying to avoid is that someone would have to get special requirements to do what we always do. If someone wants to create a 5 acre lot with a 300 foot long driveway and disturb a 15,000 square foot area to build the house, they did not feel that it was appropriate for them to interfere with that traditional use of land and impart a regulatory requirement that goes back to the cost/benefit point. Mr. Keach thinks that if you followed the practice of the town of Sandown, it would erase a lot of the concerns that he has about the enhanced cost of a businessman wanting to put a small addition on his/her business. As time goes on, it becomes the norm. If you find 40,000 square feet is not achieving the goals and objectives of the program or your own expectations, it is always easier to tune it down than to tune it up.

Ms. Mather confirmed that 40,000, 20,000 would be reasonable. She wanted to clarify a point regarding an earlier discussion about residential versus non-residential, the MS4 permit does not allow you to differentiate, it is strictly by square footage or an acre. She also wanted to point out that under 200-4.E & F it adds some language to define when subdivisions would fall under those requirements in terms of how storm water and erosion and sediment control management would be applicable.

Mr. Keach said that he thinks they have got a good set of regulations that achieve the outcome that they sought to achieve when you hired Lori’s firm. He sees the pause about the 40,000 and if there is a single remark he would have, is that he thinks that if you went the 40,000 & 20,000, you would be compliant. But you would be easing in the concept. Mr. Keach mentioned that relative to the deadline, since the document is posted for public hearing and we do not break the chain of the public hearing, you are compliant from the perspective of under New Hampshire law the content of the document has applicability.

Mr. Bergeron said that they both had very good points and believes they are on course. This set of regulations cannot adopted of adjustments are being made. They would have to go another meeting.

Ms. Mather said that there are a few more edits that may need to be done.

Mr. Beauregard said she would work with Ms. Mather or someone from GeoInsight and get the changes incorporated and setup another public hearing. Mr. Keach clarified that they would want to continue this public hearing to keep the chain open. The hearing would be scheduled for July 19th.

Mr. Doherty opened the discussion up to the Public.

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

Mr. Doherty closed the Public Hearing.

OLD BUSINESS

Case #PL2021-00005

Map 30 Lots 11-157, 11-158, 11-162, & 11-163

CROOKER, Kevin & Constance & TERRY, Angela – 2 & 4 Andover Street and 3 & 5 Methuen Street – Lot Line Adjustments between lots 11-157 & 11-158 and 11-163 & 11-162

Mr. Doherty appointed Mr. Culbert and Mr. Thomas as the alternates voting.

Tim Peloquin from Promised Land Survey was present along with Angela Terry one of the applicants. Also in the audience was John Charest one of the applicants and owners as well as Connie Crooker who is also one of the owners. They are here to request a lot line adjustment between three parcels. They came before the board a couple of months ago and they were sent to the ZBA to seek a variance. He asked for an appeal of that decision to Zoning Board feeling that it was not necessary to require a variance for something that he never understood especially since that evening, they had offered to merge two of the lots and they had the support of the zoning administrator as well as legal counsel. They met with the Zoning Board last Monday night and they remanded the decision back to the board. This meeting is a continuation of one that they had back in April. He went over what they are trying to do, there are three lots on Andover Street and Methuen Road. There is an equal line transfer between lots 157 and 163 of which 975 square feet is being exchanged between two lots between family members and it is a matter of convenience as to why that transfer is happening. Then there is a parcel to the west of lot 162 owned by John Charest that area is comprised of 9,200 square feet it is approximately 20 feet in width and runs along their backyard. The idea on that is to cleanup some encroachments that have been happening over the years as the Crookers and Angela Terry agree to allow them a lot line extension at the back of their lot to have all their improvements within the confines of their lot and all those buildings will be conforming with your zoning as a result of this adjustment. The other little tricky pieces are lots 158 and 163 both owned by Angela Terry, and she is willing to consolidate those two lots to merge them into one lot. Her leach field does exist on lot 163 as it exists so it would clean up that lot. Lot 158 was 3,774 with the merge the one lot (163) becomes about half an acre. Lot 157 remains at 1 ¾ acres and lot 162 becomes a little larger becoming .288 acres. It is basically what was asked before with the exception of the merging of the two lots. It was discussed last time, but they may not have been clear that they were willing to do that.

Mr. Bergeron made a comment that he attended the zoning meeting and recused himself for this case. At the meeting he voiced his personal opinion that this is the best possible result that we could get. He thinks that it is a situation that does not have any way to fix itself without doing this. The straightening out of the lot lines and the fact that they are moving towards a more easily defined property line, he thinks that it is a great addition and he said it at that meeting. He also said that he was sorry that they had not been clear enough at the planning board meeting in explaining what they could work with within the law. Mr. Bergeron told his fellow board members that this proposed change fixes it 100%. He asked that they put some type of permanent boundaries so that there is never confusion about the lot lines many years from now.

Mr. Peloquin stated that he would put permanent boundary monument/markers stamped with their logo as well as do not remove verbiage.

Mr. Doherty opened the discussion up to the Public.

Ms. Donna Bibeau at 6 Andover Street, Pelham, MA came forward. Her lot is 30-11-159, her backyard abuts the property of lot 11-163. There is a shed on that property and when she walked it with her surveyor, they believe that shed is on her property. She has a dispute over this. She stated she has been paying taxes on that property for 35 years and has been using it with no complaints. She brought her map, her tax document, and her plot plan with her and passed it around.

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

Mr. Doherty noted that as far as a shed is concerned, the board does not get involved with anything of that nature, but they will stamp her documents into the record. Mr. Doherty asked Mr. Bergeron if that issue came up at the ZPA meeting.

Mr. Bergeron said that ZBA was made aware of the dispute. He was not active on the case since he had recused himself. The chairman of that board stated the same as Mr. Doherty. They cannot get involved in property line disputes; they do not have any legal jurisdiction over these issues. They cannot get involved in it; they do not have the statutory authority.

Ms. Beauregard stated that this abutter is aware of that, and she understands that, but felt that she still wanted it in the record and to make them aware that they were having this dispute.

Mr. Peloquin noted that from his standpoint this is a harder survey since it is a 1941 camp lot survey around the lake. There is not a whole lot to work with just a few dimensions and other things. However, he has done many surveys in this area and around these lakes and he feels very confident with the survey that has been produced here. There is an encroachment, and he hopes the owners will work something out. He apologizes that this is happening, but the survey is producing other results as best as he can see.

Mr. Thomas had a question regarding lot 158 and 163, he sees the leach bed, but not the well. Where is the well on the plan? Mr. Peloquin replied that it was not visible, but this is not a septic plan, so they only show what is readily visible.

Mr. Bergeron noted that with the merger of 158 with 163 they would remove the short 60-foot boundary. Ms. Beauregard agreed that the dotted line in the plan implied that the boundary would be removed.

Mr. Peloquin stated that note number 1 on the plan announces that the purpose of it is to merge those two lots.

Mr. Bergeron’s ask about the process of the plans being signed for recording. Ms. Beauregard replied that a notice of decision would be issued which will provide instructions of what to bring to the Planning Department office in terms of mylars and plans to be signed. Once they are received, she will notify the chair and the secretary so they can come into the office to sign the plans.

Mr. Peloquin stated that once the mylar comes to the Town Planner, you will see the monuments to be set and there will be a note on the plan, the plan will then get recorded and remain on file at the Registry of Deeds.

MOTION: (Culbert/Kirkpatrick) To approve the plan.

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

NEW BUSINESS**Case #PL2021-00015**

Map 29 Lots 7-131 Pelham School District - 59-61 Marsh Road—Non-binding discussion regarding phased renovations and improvements to Pelham Memorial School. The project will include several additions around the perimeter, construction of a courtyard that will be utilized as an outdoor classroom, expanded parking areas including handicapped accessible spaces and walkways, a dedicated bus loop around the perimeter of the building, reconfiguring of athletic fields and replacement of the septic system. This project will also include New Stormwater Infrastructure.

Mr. Doherty assigned Mr. Bilapka and Mr. Culbert as the alternates voting.

Ms. Masse-Quinn read the list of abutters aloud

Dave Mermelstein of Trident Project Management Group acting as the owner's project manager for the school district was present as well as Mark Lee an architect of Harriman. Mr. Lee stated that they were before the board to provide an overview of the project and answer any questions. The intent is to make significant improvements and upgrades to the Memorial School and to create permanent space within the school for a lot of the functions that have been in modular structures in the rear of the schoolyard for a period of time. These include the band room, music room, library, and a health classroom. The additions to the school will include a larger gymnasium and a unified arts program which has not been currently offered at the school. It includes a family consumer science program and a science technology engineering and mathematics laboratory. Those are the additions to the school. They are also making a series of improvements on the classroom wing. Three small additions create science labs and small group spaces. There is an elevator addition to address accessibility to the second floor of the classroom wing. The plan also includes a new administrative addition to the front of the building to create a secure vestibule at the new main entrance to the school. Those are the improvements to the building itself and they will have upgrades to the electrical infrastructure and the mechanical systems in the building and code improvements in several areas. On the site itself, some of the improvements include a new dedicated bus lane and emergency vehicle access between the cemetery and the school and that will go around the building for full access. They are making a connection between the Elementary School drive to the front of the building; the intention for this is to get the cueing traffic off of Marsh Road. There is no plan to increase the number of students at the school.

Mr. Doherty asked how MS4 is affecting this.

Mr. Lee replied that the project has been submitted to NHDES for an alteration of terrain permit and they have received initial comments back from them. They are responding to those in order to obtain their permit. Storm water is part of the design of their improvements.

Mr. Mermelstein responded to Mr. Doherty's question about detention areas that they have subsurface drainage galleries, and they have a small rain garden area which will collect via sheet drainage.

Mr. Culbert asked Mr. Keach if he had gone over this plan.

Mr. Keach has not done a detailed review of the plans because this was before the board for a non-binding discussion. Ms. Beauregard has asked him to prepare an estimate for a non-regulatory review.

Mr. Mermelstein noted that they have two drainage areas onsite.

Ms. Kirkpatrick asked if this was being done in phases.

Mr. Mermelstein replied that there are several phases. This summer's activities referred to as enabling work which includes relocating the modular units and they have updated the septic plan that was approved back in 2018. The plan is to get that work underway so that it is operational for the return of the students. They are currently working with NHDES for the alteration of terrain permit. Depending on the timing of that parking lot improvements will also take place this season.

Mr. Doherty asked about the bus lane and whether or not there was enough room that if a bus broke down, another could get around it. Mr. Mermelstein could not recall the actual width but assured him that there would be ample room.

Ms. Kirkpatrick asked about the modules being moved and for how long. Mr. Mermelstein answered that it would be for the duration of the project, about 2 years and that they would be moved to the south of their current location which is where there is a small practice field.

Mr. Lee pointed out the location, it will still be close to the school. There are barriers and fencing that will help with direction of traffic and student pedestrian traffic.

Mr. Culbert asked how wide the bus lane is. The plan shows 20 feet and Mr. Mermelstein said it would be a minimum of 20 feet.

Ms. Masse-Quinn asked how many rain gardens they were putting in. There is one very small one and that it appeared to be removed from the plan due to drainage that was put in that location. Mr. Lee pointed out to where the riprap stone edge for drainage. Prior to the geotechnical reports and the actual drainage studies, there was a rain garden there. This plan is what accompanied the application.

Mr. Culbert asked about the plan noting 6 handicapped spots. Mr. Lee confirmed that it meets the requirements of the percentage based on the number of parking spots.

Ms. Kirkpatrick asked if they will be doing some of the work in the school during the school year during school hours. The reply was yes.

Mr. Mermelstein said that they have a series of logistics and phasing plans that keeps a clear delineation between the students and the construction workers. Due to the layouts, they are able to create some swing space. They can build those first and the students can move there, and they can free up some other space. For the first year, the students are not impacted by the construction at all with the exception of putting in foundations.

When asked by Mr. Doherty, Ms. Beauregard stated that our inspectors will perform all the regular inspections that they would normally perform on any other project.

Mr. Mermelstein during the past year or so has been in contact with Building Inspector Roland Soucy and walked the site with Fire Lieutenant John Hodge. Last week he reviewed the phase 1 plan, and he was okay with it. They realize that there will be slight modifications, but they felt good that the initial first pass was positive.

Mr. Doherty opened the discussion up to the Public.

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

Mr. Doherty asked Mr. Keach how they should proceed. His reply was that from statutory standpoint the project was approved by the voters. Prior to commencing construction, the sponsor is compelled to give a public presentation in the form of a public hearing before either the Planning Board or the Board of Selectmen and answer any questions. They have the benefit to give the sponsor non-binding remarks and recommendations. At the conclusion, they would just close the public hearing.

Mr. Doherty asked Ms. Beauregard if there had been any discussion of this going before the highway safety as well as straight to the fire department.

Her response was that they had not discussed that as of yet, but it would make a lot of sense. He has already met with the fire chief. If the board would like to recommend that they go before highway safety we can put that in as one of their comments.

Mr. Doherty asked if there were any wetlands to take into consideration and the answer was that there were not.

Mr. Mermelstein said that they engaged Gove Environmental shortly after the project was approved. They walked the site and performed a wildlife study on the project to ensure that there were no endangered species and there were none.

Mr. Keach commented that he thinks that their existing conditions plan survey may have been done prior to last summer. Sidewalks have since been put in and he would greatly appreciate if they would expand the plan so that the contractor will recognize and reconcile to those sidewalk crossings.

Mr. Doherty asked if they ever brought the gas line into the existing school. The reply was yes.

Mr. Bergeron asked about the design review that occurred regarding the two accesses that are close to one another at the north end. Mr. Mermelstein answered that it was for buses and egress only.

Mr. Doherty closed the non-binding discussion.

Map 39 Lots 1-54-2, 3, 4, 5 & 55 RJ MCCARTHY DEVELOPMENT, LLC - Waterford Estates— Seeking PB recommendation to the Board of Selectmen to accept Waterford Way, Innisbrook Drive & Longpond Drive as town roads. Also seeking full bond release.

Mr. Doherty assigned Mr. Bilapka and Mr. Thomas as the alternates voting.

Mr. Doherty read a letter from Jeff Quirk, Keach-Nordstrom Assoc., Inc. that he performed an inspection of Waterford Estates which includes Waterford Way, Innisbrook Drive & Longpond Drive. He confirmed that all roadway improvements have been completed and the final pavement has wintered over therefore he recommended a full release of the bond as well as a recommendation to the Board of Selectman to accept the roads. Ms. Beauregard explained that prior to releasing the bond, warrantee deeds for the roads will be required, reviewed by town counsel, and recorded.

MOTION: (Kirkpatrick/Bilapka) – To release the surety bond of the remaining 10%, \$26,237.25

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

MOTION: (Masse-Quinn/Kirkpatrick) – To recommend to the Board of Selectmen to accept Waterford Way, Innisbrook Drive & Longpond Drive as town roads.

VOTE: (6-0-0) the motion carried

Mr. Doherty asked Ms. Beaugard to get the recommendation to the Board of Selectmen.

DISCUSSION

By-Laws

Mr. Doherty has asked Ms. Masse-Quinn to do some work on the current Planning Board by-laws and compare them to some other towns.

Ms. Masse-Quinn looked into Windham, Sandown, and many other towns, and they created what is called their own town's Rules and Procedures and they utilize that out of the RSA 676:1. She wanted to bring this up to the board to see how they felt about creating their own rules and procedures for our town.

Mr. Doherty stated he thinks they should have rules and procedures especially where it is referenced by RSA. He felt the current by-laws have been lacking for many years.

Mr. Culbert asked if that would replace the by-laws. Mr. Doherty replied yes, but they could incorporate the By-Laws in the Rules and Procedures so they would not be doing away with them.

Mr. Culbert asked Ms. Masse-Quinn if she could give them a copy of what she has done to go over it. She agreed that she could present it to the board. She agreed to email it to Ms. Beaugard so that she could distribute it to the board.

Ms. Mass-Quinn thinks that it is good because it is more descriptive and detailed, not only for current members of the board but for future members.

Mr. Doherty asked her if she had made a reference to joint meetings in what she has been working on. Ms. Masse-Quinn replied yes that she pretty much followed the guidelines from some of the other towns that she had been researching. She gave a brief overview of how the sections would break down. She said that she could present to the board at the next meeting.

Mr. Bergeron asked Ms. Masse-Quinn if they were the ones that he and she had been looking at with the election of officers and how it was different in some of the towns. She replied yes and those are some of the things that the board would need to review. Mr. Bergeron said that she did a good job putting it together.

Mr. Culbert asked if she was going to also provide copies of the ones that she researched. She answered she would.

Land Use Regulations

Mr. Bergeron asked if discussion of the Land Use Regulations could remain on the agenda as he had some changes he'd like to discuss.

Mr. Doherty wanted to talk to the board to see if they might want to consider adding some language to the Open Space Subdivision regulations that has been adopted. He'd like to board to consider adding a sentence

making it that if a property owner subdivides the frontage lots on an open space subdivision, then they would not be eligible for an open space subdivision for another five years. He had written the following proposed addition: “Any parcel of land which had land subdivided out of parcel shall not be eligible for an open space subdivision for a period of five years from the date of when the frontage lots were subdivided.” The reason for this is that if you have a scrupulous builder who decides that they want to do an open space subdivision and they do not want to protect their frontage lots to the maximum extent possible like it says in zoning, they would just come in front of the board and not mention an open space subdivision at all, subdivide off the frontage land from the larger parcel, leave a 50-foot frontage and ruin the frontage land. The way it is currently worded, they could not do anything. If it is in subdivision regulations, they would see and realize that if they did this, it would prevent them from getting the subdivision. Mr. Doherty had originally suggested that it should be in the zoning, but that did not go anywhere.

Mr. Culbert agreed with Mr. Doherty.

Mr. Bergeron said that he was on the committee that had written those regulations and that it was in there, but not as clearly and concisely. So, he agreed that someone could interpret it as Mr. Doherty is concerned about.

Mr. Doherty explained that yes, it was there when the go to subdivide, but if they split the parcels off first, then do the open space subdivision at a later date, they have circumvented what the intent is.

Mr. Bergeron thinks they should wait for the rest of the board is present to decide this.

Mr. Doherty wanted to get it on the agenda for the second meeting in July since they are already having a public hearing. Mr. Doherty gave the proposed language to Ms. Beauregard to post for the July meeting.

Mr. Doherty asked that Ms. Beauregard keep the Land Use Regulation discussions on the agenda.

ADJOURN

MOTION: (Culbert/Thomas) To adjourn the meeting.

VOTE: (6-0-0) the motion carried

The meeting was adjourned at approximately 10:01 pm.

Respectfully submitted,
 Jordyn M. Isabelle
 Recording Secretary