

**APPROVED**

**TOWN OF PELHAM**  
**PLANNING BOARD MEETING MINUTES**  
**August 5, 2019**

Chairman Roger Montbleau called the meeting to order at approximately 7:00pm.

**PLEDGE OF ALLEGIANCE**

Secretary Cindy Kirkpatrick called the roll:

**PRESENT:** Roger Montbleau, Cindy Kirkpatrick, Paul Dadak, Tim Doherty, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Paddy Culbert, Alternate Derek Steele, Alternate Richard Olsen, Alternate Bruce Bilapka, Planning Director Jeff Gowan

**ABSENT:** Blake Clark, Alternate Samuel Thomas

Mr. Montbleau appointed Mr. Steele to vote.

**MEETING MINUTES**

**July 1, 2019**

**MOTION:** (Lynde/Dadak) To approve the July 1, 2019 meeting minutes as amended.

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

**ADMINISTRATIVE**

**2020-2026 Capital Improvements Plan ('CIP') presentation and requested vote to approve**

Prior to the meeting the Board was provided a copy of the CIP for review and approval.

Mr. Bergeron stated he appreciated the work of the committee and felt the CIP was very well organized.

Ms. Kirkpatrick noted a minor typo. Mr. Gowan stated he would make the correction prior to presenting the plan to the Selectmen.

**MOTION:** (Bergeron/Doherty) To approve the 2020-2016 Capital Improvement Plan (with the correction).

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

**NEW BUSINESS**

**PB Case #PL2019-00016**

**Map 39 Lot 1-49**

**WILLIAMS, Bruce & Rhonda – 157 Mammoth Road – Proposed 4 Lot Subdivision and Special Permit for Wetland and WCD Crossing for Access to Proposed Homes**

Mr. Montbleau announced that the applicant's engineer (Herbert & Associates) had requested a postponement of the hearing to the next agenda. The owner would like to discuss the possibility of a land purchase.

Mr. Gowan believed the applicant was under the impression that the Board would read the abutter's list into the record; however, there was no one present to represent the case. He said it would be the Board's decision. Mr. Doherty questioned why the Board would do so for a plan that wasn't legally in front of them because it didn't meet Zoning. He said doing so would start the 'clock' for review. Mr. Montbleau replied he didn't want to start the review 'clock'. He left the decision to the Board.

The Board didn't take action. Mr. Gowan stated the applicant would re-notify abutters.

**PB Case #PL2019-00017**

**Map 21 Lot 3-133-1**

**P&D CONTRACTING, LLC – 579 Mammoth Road, Units A & B – Seeking a Special Use Permit to allow a newly constructed duplex to be converted into a condominium form of ownership.**

Ms. Kirkpatrick read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Scott Dauteuil came forward to discuss the request. He stated there was a newly built duplex on Mammoth Road and requested it to be converted into a condominium form of ownership.

Mr. Bergeron saw similar requests come before the Board and wanted to know if it was prescribed by Statute for the Planning Board to grant approvals. Mr. Gowan replied it was in the Statute. He said the Board had always taken a position (per legal advice) to not stand in the way of a change in ownership application. Mr. Bergeron commented if the application met the Statute there was nothing they could do. Mr. Gowan clarified that the Board didn't sent the information through legal counsel for review; applicants had their own attorney prepare the documents. Mr. Bergeron confirmed the process was controlled by Statute. Mr. Gowan answered yes.

Mr. Montbleau opened the discussion to public input. No one came forward. He then read aloud a letter submitted by Bill Coleman via email to the Planning Department dated August 5, 2019. Mr. Coleman indicated he sold the lot to the developer with the explicit intention of only a single-family home could be built. After being assured there were no plans to build a two-family Mr. Coleman removed the restriction. When the occupancy permit for a single-family design was denied due to the slope of the driveway the new owner built a duplex at the edge of the road. Mr. Coleman explained that type of building erodes the rural character of the Town, especially in that area of farms and older homes. He was concerned about the value of surrounding homes. Mr. Coleman asked that the applicant be denied the Special Use Permit.

Mr. Gowan stated the time to correct the situation would have been when the agreement was being made (between the owner/buyer) to purchase the property. He said it wasn't something for the Board to be concerned with. He pointed out that Mr. Coleman could have appealed previous decision. Mr. Gowan told the Board that the owner had properly applied for a condominium form of ownership through the Town. He didn't believe the argument that a condominium form of ownership had any negative impact on surrounding properties.

Ms. Svetlana Stegalkina, a nearby neighbor came forward and stated she agreed with the essence of Mr. Coleman's letter. She was surprised to see the house that was built and understood originally it was meant to be higher on the slope and similar appearance to other homes. She didn't know how the building was allowed to be built as it was. She was concerned for it being allowed and felt it created a 'dangerous path' for the Town in the future. Mr. Gowan provided the Board with a brief history of the property and explained the previous owner (Bill Coleman) had come in front of the Board with a subdivision that would have used Bear Hill Road as the access. After that subdivision was approved Mr. Coleman altered the subdivision (approximately 12-15 years ago) for the only access to be off Mammoth Road. Mr. Gowan made sure the owner was clear regarding the

Town's driveway regulations. In order to meet the driveway regulations, the house had to be moved closer to the road.

Mr. Lynde questioned if the building meets the setback requirements. Mr. Gowan answered yes. Mr. Montbleau told the public that the house was approved; it met the occupancy permit requirements and presently existed as a duplex. He stated the applicant was in front of the Board solely to have the ownership be changed to a condominium form. It had nothing to do with the construction or placement of the building.

Mr. Bergeron discussed the differences between a duplex structure and a condominium-form of ownership. He felt condominium forms of ownership forced standards to be maintained, which created better real estate than a standard duplex. He reiterated that the Board was bound by laws and ordinances. If people wanted changes, they could submit a citizen petition or become part of the process. He felt a condominium form of ownership was better than a duplex because of the contract between the parties and forces them to never become negligent. Mr. Culbert lived in a condex and agreed with Mr. Bergeron's comments.

**MOTION:** (Bergeron/Dadak) To accept (Special Use Permit) for consideration Case #PL2019-00017 P&D Contracting, LLC for a conversion into a condominium form of ownership.

**VOTE:** (7-0-0) The motion carried.  
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**MOTION:** (Doherty/Kirkpatrick) To approve the Special Use Permit (Case #PL2019-00017 P&D Contracting, LLC for a conversion into a condominium form of ownership).

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

**PB Case #PL2019-00018**

**Map 10 Lot 13-167-8**

**DESJARDINS, Jacques & Edmay- 1205 Bridge Street – Site Review for a Ground Mounted Solar Panel**

Ms. Kirkpatrick read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Jacques Desjardins came forward to discuss the proposed site review to build a ground-mounted solar panel instead of installing a roof-mounted panel. He displayed a lot plan showing the proposed location for the panel, which met the setback requirements. He stated the area of the proposed panel was previously wooded, but over the years, trees had died and/or fallen, and some were recently taken down. He showed a photograph of the proposed ground unit that would be mounted on a wood structure. He also showed photographs with a view from Route 38 into the lot and pointed to where the panel would be located. A tree buffer would be maintained so the direct abutters would be isolated. Mr. Desjardins showed a construction design for the base.

Mr. Montbleau inquired if the panel would be motorized to follow the sun. Mr. Desjardins replied it would be stationary; he decided to have thirty-two panels to compensate for not having a moving unit. Mr. Montbleau asked if the panel would power all the electric needs. Mr. Desjardins replied he used approximately 12 kilowatts ('kw') per year; the unit would provide 11.2 kw. He said if he expanded to have an additional panel the system would provide approximately 14.4kw. He explained there were several factors to consider when determining the appropriate system. Mr. Montbleau questioned if they had researched the 'glare effect' from the panels. Mr. Desjardins replied it was situated at 43 degrees to clear his house and garage. He hadn't reviewed the effects for airplanes but assumed it would be okay.

Mr. Doherty was concerned about the drawings (of the base) that were displayed because they appeared to be homemade versus engineered. His concern was the unit ending up in a neighbor's yard during a storm event. Mr. Desjardins stated he was an engineer (for 48 years). He explained some of the panels were attached to a mount kit and displayed photographs of such. He stated he planned to use the company's mounting clips. He said the company described the type of recommended structure and he prepared his design accordingly. He added if the Board wanted to review a structure analysis, he would provide one. He commented if the Board preferred a pipe structure, he would buy the kit; however, he felt a wood structure would blend better with the area.

Mr. Montbleau understood that the proposed (wood) structure would be as strong or stronger than the (metal) kit. Mr. Desjardins replied it would be stronger. Mr. Montbleau asked if Mr. Desjardins would submit findings to satisfy the Board member. Mr. Desjardins stated he would if requested.

Mr. Lynde asked if the Board's job was to determine if/where the structure could be located. He felt the building details should be left to the Building Inspector during the building permit application process. Mr. Gowan described the building permit process and review by the Building Inspector. Mr. Doherty understood that the piping systems were designed to keep the panels from becoming a 'kite'. He felt the proposed design would be able to hold the weight from snow, but it wasn't designed to hold things down on the ground. He's never seen a solar panel on wood and wanted to make sure it was done correctly.

Mr. Gowan noted the Building Inspector would ensure any structure would be secure and not fly away. With any kit the Building Inspector reviews the manufacturer's instructions for specifications. He said the building process would be scrutinized. Mr. Lynde recalled similar solar structures being approved.

Mr. Bergeron inquired if the orientation of the solar panel itself would face north/south. Mr. Desjardins answered yes; however, in this area the manufacturer asks that they be placed fourteen degrees (west) from true south. He noted the solar window works perfectly at 180 (true south). He said there had been some research that suggest the panel should move more to the west because of the location of the sun. Based on the window he proposed 194 degrees. Mr. Bergeron commented that he lived in same area of Town as the applicant and noted the topography of the lot was flat. He said the applicant had excellent southerly exposure. He didn't feel the integrity of the structure should be up to the Board and was happy to leave it to the Town building department. He pointed out there were a lot of carports in Town that were held down by a lot less than the proposal. Mr. Desjardins told the Board that he would go over the plans with the Building Inspector and make changes in accordance to his recommendations. Mr. Bergeron didn't feel there would be a problem with 'glare' as the proposed location would be off the road and not visible. He had not objection.

## PUBLIC INPUT

Mr. Montbleau opened the discussion to public input.

Mr. David Bernard, 3 West Street (directly behind the applicant) told the Board he was a direct abutter. He called attention to the photograph that showed his shed and said he would look directly at the structure when he pulls into his driveway. He stated the applicant cut down a tremendous number of trees. The hearing was the first he heard of the proposal. He questioned when the applicant's property was last surveyed. He recalled the applicant being in the woods (last year) moving sticks that had fallen. He didn't know if the applicant was on his property or if he should have his own property surveyed. Mr. Desjardin stated a survey was done just before he purchased the lot. He displayed a plot plan that showed four lot markers. He explained when he first moved in, he put hockey sticks along the lot lines to be able to clearly see the line. In the last fall he saw some of the sticks had fallen so he went back and put sticks next to them. He was sure he was within 1ft-2ft on the line and offered to have it surveyed if his neighbor wanted to do so.

Ms. Leigh Bernard, 3 West Street explained when they pull into their driveway there is no privacy between their lot and the applicant's lot. She understood Mr. Desjardins planned to take more trees down. She stated all they would see is the solar panel; there would be no privacy. Mr. Desjardins told the Board they only took down the trees that were dying. Ms. Bernard said the applicant spoke about taking dying trees down and removing a tree that had fallen on their shed. She commented a tree has never fallen on their shed. She wanted to know if the applicant could install a fence to shield the solar panel from view. She was concerned with her neighbor's child who had autism and at times wandered around the neighborhood. She feared that child would find their way to the applicant's back yard in curiosity.

Mr. Bernard told the Board he was a union electrician in Boston and had installed solar panels. He was not completely comfortable with proposed home kit. He said everything he had done in the past was secured, had a fence around it and signage. He said there were potential dangers with the panel. He would be interested to hear what the Town's electrical inspector had to say about it.

Relative to the concerns about the electrical aspects, Mr. Lynde suggested the speak to the electrical inspector. Mr. Desjardins noted there were a maximum of 24 volts that ran from the panel to the house. He agreed to have discussions with the Town and didn't want anyone to be hurt. He said they were bringing the proposal with good will. He removed trees that may have fallen on the neighbor's property and pointed out there were areas of brush that would be left to grow between the properties. He didn't want hard feelings and stated he put a lot of effort into coming forward with a clean plan. Mr. Desjardins pointed out that the Bernard's shed was one foot from the line and believed the setback was fifteen feet.

Mr. Bernard wanted to know what would stop the applicant from installing additional panels if the proposed panel was approved. He spoke about the concern with glare. Mr. Gowan replied the Town had an extremely well qualified electrical inspector who was very demanding in what he required. He pointed out that if the request was approved, the applicant would only be allowed to build what was on the plan. He said the building permit would have to match the plan that came in front of the Board. He noted that the Board may require buffering.

Mr. Culbert asked Mr. Desjardins if he would be willing to plant a buffer (i.e. arborvitae). Mr. Desjardins replied the lot line was approximately 270ft; the area near Route 38 is wooded. He said he would plant but was concerned about them falling. Mr. Culbert wanted the applicant to understand the concerns of the abutter and accommodate the best he could. Mr. Bernard stated he would appreciate the plantings. There was a brief discussion regarding proposed plantings; Mr. Desjardins was open to doing so. Mr. Montbleau stated the Board was helping the two parties come together. Mr. Lynde questioned if there was something in Zoning that covered the things being discussed. Mr. Gowan replied page 11, Article V of Zoning – Permitted uses included solar.

Mr. Montbleau continued the discussion about plantings and suggested speaking to a local nursery for advice. Mr. Desjardins said he was willing to have the discussions, provided his neighbor would also go to hear the advice and it didn't have a high cost. Mr. Bernard said he wasn't hearing any guarantees. He said if it was too expensive Mr. Desjardins would walk away from doing plantings. Mr. Desjardins said if plantings were required by the Board and they ended up being too expensive he wouldn't put the solar system up. He said it had already cost him, even with his son helping.

Mr. Bergeron called attention to the Zoning Ordinance (Article V – permitted uses). The proposed solar fell under the category of a private utility structure. He said it is permitted with Planning Board Site Plan approval; all applicable safety inspections as deemed appropriate by the Planning Board with proper licensing by appropriate State and Federal Agencies. From reading the Ordinance he didn't believe the Planning Board was given statutory authority to have arrangements for greenery. He reiterated the Board was limited. The neighbors could make an agreement (in a gentleman fashion) but they couldn't enforce it because it wasn't bound by any law. He felt the Board should be very careful about stipulations. Mr. Gowan said 'technically' the Board could

require things such as a landscaping plan under Site Plan review; however, he felt doing so with the proposal would be 'overkill'.

Mr. Desjardins told the Board he and his neighbor would get along. He would plant something they would be happy with.

Ms. Bernard questioned if there would be more trees cleared. Mr. Desjardins replied there were a couple of dead trees on his property (on the opposite side from the Bernard's) that needed to be removed. He didn't want his trees to fall on his neighbor's house.

Mr. Bergeron believed a person could cut down all the trees on their property because there wasn't a law in New Hampshire prohibiting it. Mr. Gowan said they couldn't be cut if the trees were part of a buffer prescribed by the Board on a site plan, wetlands, wetland setbacks or something of that nature.

Mr. Montbleau closed the public discussion and brought the matter back to the Board.

**MOTION:** (Lynde/Kirkpatrick) To accept the site plan for consideration.

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

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**MOTION:** (Lynde/Doherty) To approve the site plan.

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

Mr. Gowan confirmed there were no conditions. Mr. Montbleau stated there were no approval conditions.

**PB Case #PL2019-00019**

**Map 40 Lot 6-158 & 6-159**

**SZCZECHURA, Stephen & Deborah & PELHAM CONSERVATION COMMISSION – Hildreth Street  
– Proposed Lot Line Adjustment**

Ms. Kirkpatrick read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Conservation Commission Chairman Paul Gagnon came forward to discuss the proposal to move a Town lot line for the Town to acquire a half acre. He said the purpose of such was to keep a Town trail on Town land, so it didn't go onto Mr. Szczechura's property. A map of the Town was displayed; Mr. Gagnon showed the location of the property, which is accessed from Hildreth Street in Dracut, MA. He then displayed a map of the immediate area and location of the trail. It was previously believed that the trail was solely on Town property until the applicant had their property surveyed. He said if they lost that section of the trail it would disconnect the trails in the Pulpit Rock Road area to the other trails near Patriot Drive. Mr. Gagnon displayed a drawing of the applicant's property to clearly show the location of the trail. He described the proposal to move the lot line and to build a new section of trail in one of the areas; they can't relocate the entire section of the trail because of the location of existing wetlands. The Commission has offered to pay the applicant \$15,300 for selling the half acre, based on the Assessor's calculation of the current use fee. The applicant will pay the Town \$15,300 for that fee and in turn, the Commission will repay the applicant \$15,300 out of the Conservation Fund.

Mr. Bergeron clarified the ownership of the lots being discussed. He understood the applicant had approximately ten acres in current use. He understood that the Town would come out of the proposal with a piece of land for a net sum of zero. Mr. Gagnon stated that was correct. Mr. Bergeron had no objection.

Mr. Lynde asked for confirmation of the current use tax. Mr. Gagnon replied the Assessor had estimated the current use tax to be \$15,300. Mr. Lynde questioned if the value of the land was \$150,000. Mr. Gagnon assumed so because the current use tax was 10%. Mr. Montbleau questioned if land in 'current use' had to remain open land. Mr. Gagnon stated that was correct; the applicant had to pay the penalty because they have decided to put a duplex on the lot. He noted the property was appraised at \$146,400.

## PUBLIC INPUT

Mr. Montbleau opened the discussion to public input.

Ms. Sheila Graham and her sister Ms. Ellen Vercontaire, owner of abutting parcel, came forward. Ms. Graham questioned if Pelham had given a right-of-way from Hildreth Street into the property where the houses and duplexes had been built. Mr. Gowan replied Hildreth Street was a Class VI town road; the houses were granted Zoning relief. He spoke about some of the requirements associated with the existing structures. The definition of Class VI means it's a road no longer maintained by Pelham; he clarified that Pelham had never maintained any portion of Hildreth Street. Ms. Graham stated they weren't notified of the previous development. Mr. Gowan replied if they were abutters and owners of record they would have been notified; if they were owners and not notified it was too late to correct.

Ms. Vercontaire heard from Mr. Szczechura that the previous abutter notification letters were returned to the Town. However, they received notification of the current meeting and always received their tax bill. She wasn't notified that the land had been sold and wanted to know how her family would access their property (located beyond the applicant's parcel). She explained her family's property was farmland and still utilized by her family (for recreation). She was informed by the applicant that the road was no longer there. Mr. Gagnon told the Board that there was an issue as to whether (Hildreth Street) was really a Class VI road. He stated the applicant believed it wasn't and the Town didn't have a right to go on the road or across his property to access the Town trail. He pointed out that the abutters (Ms. Graham and Ms. Vercontaire) couldn't get to their property (known as the Neofotistus property). Ms. Vercontaire pointed out that someone had built the existing bridge to cross the wetlands to get to their property. Mr. Gagnon disagreed; the Town had the area surveyed by Peter Zohdi of Herbert Associates and had taken GPS readings and were confident the bridge was on Pelham land. Ms. Graham explained that the applicant had approached them several months ago because his land was in current use. The applicant asked them to swap a portion of their land. They told the applicant they weren't sure about doing so because they needed a deeded right-of-way to get to their property. She said nothing ever came of it until they received notification of the meeting.

Mr. Bergeron asked what property Ms. Graham and Ms. Vercontaire were speaking about. Mr. Gagnon replied the Neofotistus property is Lot 6-150. He showed a plot plan of the applicant's lot and the area of the 'road' they currently used to access their property. Mr. Gowan pointed out that the issue being raised was not properly before the Board. He said the Board was reviewing a lot line adjustment. The discussion between the applicant and the abutters may need legal consult between the parties. Ms. Graham explained that her father purchased the land in the late 1950s-early 1960s and passed in 1970. The last house on the street was owned by the Gagnon family. She said there was never a gate, the farmers used the 'paper street'. Later Mr. Gagnon installed a gate but continued to let her family have access to their corn field, but they never received a proper right-of-way. She noted her family's property contained sixty-three acres. Ms. Graham described how the properties around her family's land had over time been purchased and now blocked them in on all sides. She stated they were shocked when the recent houses were built and asked if Pelham had given them building permits. Mr. Gowan answered yes. He stated they had gone through the review process by the Zoning Board, Planning Board and Board of Selectmen; due diligence was done throughout the process. He commented that the issue Ms. Graham and Ms. Vercontaire raised was not in front of the Board and shouldn't be discussed further. Ms. Vercontaire questioned what board they needed to go in front of. Mr. Gowan suggested they work with the applicant and possibly hire a lawyer. He noted they should discuss an easement (right to pass) not a right-of-way. Ms. Graham understood in Massachusetts a parcel couldn't be land locked. She asked if New Hampshire had a similar law.

Mr. Gowan replied they couldn't land lock a parcel by subdividing. He wasn't aware of the Pelham Planning Board land locking the parcel. He noted there were attorney's that specialized in this type of situation.

Ms. Vercontaire wanted to know if the Town had the previous notification letter that they never received at the time the applicant purchased the land. Mr. Gowan replied the Planning Department had files for parcels.

Ms. Graham questioned if Pelham serviced the homes (recently built) for fire and police. Mr. Gowan recalled there was no winter/road maintenance. He said fire and police had to service Pelham addresses (possibly through mutual aid). While handling her mother's paperwork, Ms. Graham recalled being told to build in Pelham a lot had to have a right-of-way in Pelham. Mr. Gowan reiterated that the discussion was not before the Board. He told Ms. Graham and Ms. Vercontaire to contact him at the Planning Department and he would get the files and answer questions.

Ms. Vercontaire inquired how the proposal being discussed would impact them. Mr. Gagnon replied it wouldn't have an impact because the lot line wasn't on the corner of the property where the gate to the Neofotistus land is situated.

Mr. Montbleau closed public input.

**MOTION:** (Bergeron/Doherty) To accept the plan for lot line adjustment for consideration.

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

Mr. Bergeron asked that the recording secretary not enter items into the meeting minutes that weren't germane to the application as they weren't relevant and may be a matter for future litigation.

**MOTION:** (Dadak/Bergeron) To approve the lot line adjustment.

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

Mr. Gagnon stated the Board of Selectmen need to approve the acquisition (per RSA 41:14,A) with input from the Planning Board. He asked that the Planning Board send a recommendation to the Board of Selectmen that the Town acquire the half acre.

Mr. Bergeron (by motion) requested that the Board direct Mr. Gowan to draft a letter for the Chairman and Secretary to sign showing the Board's approval for the lot line change. Mr. Doherty understood that the motion was to recommend that the Selectmen approve the lot line adjustment. Mr. Bergeron wanted the Board to send a letter to the Selectmen signed by the Board.

**MOTION:** (Bergeron/Doherty) To direct Planning Director Jeff Gowan to draft a letter to be signed by the Planning Board Chairman and Secretary indicating that Planning Board recommends the Selectmen approve the lot line adjustment (and purchase of the half acre).

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

Mr. Gowan asked if the Board was supporting the purchase or recommending the purchase. Mr. Bergeron felt both words were appropriate. Mr. Gowan felt the word 'recommend' would be appropriate. There was no objection.

Mr. Gagnon then spoke about two parcels: 4.6-acre parcel and 12-acre parcel (totaling 16 acres) (Map 32 Lots 2-69 and 2-69-3) the Conservation Commission would like to purchase for \$38,300 (approximately \$2,300/acre).



He used a Town map to show the location of the parcels (adjacent to the Gumpas Pond Conservation land). He believed the Board would like the proposal because the water system for the adjacent development had a stub for possible future access to the pond on the proposed lot in the event water was needed. Mr. Gagnon asked the Planning Board to send a recommendation to the Board of Selectmen to acquire the two parcels.

Mr. Doherty noted the stub into the Town land wasn't only for the event of the development's well running dry, it was stubbed so Pennichuck Water could possibly (in the future) have more water flow to the area and eventually run downhill to the Sherburne Road area.

Mr. Gowan didn't want people to get the impression that the wetland could be a water supply. He said a wetland couldn't be drained to supply drinking water.

Mr. Montbleau recommended the Board pass the request to the Selectmen to purchase the parcels. He said he had been down to the wetland many times and found the wetland to have great environmental qualities and diverse wildlife.

There was no objection and consensus by the Board members to send a letter to the Selectmen supporting purchase of the proposed parcels. Mr. Gowan stated he would pull the description language out of the proposal letter to be concise for the Selectmen.

Mr. Bergeron commented that the Board had approved conservation subdivisions and the Selectmen had refused to accept the land that would be given to the Town. He said the Board didn't do all the work to not have land accepted or become part of the public domain. He wanted to convey to the Selectmen to follow the Planning Board recommendations. Mr. Lynde believed the Selectmen had approved approximately 95% of the transactions. He recalled there were a couple parcels that Select members saw no value in accepting because it didn't connect other land, etc.

**MOTION:** (Bergeron/Doherty) To send a recommendation to the Selectmen (for the Town to purchase the proposed parcels); the Planning Board voted to accept the proposal as worded.

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

**PB Case #PL2019-00020**

**Map 1 Lot 5-107-3**

**MURPHY, Peter – 9 Dick Tracy Drive – Site Plan Review for Proposed six 25' x 50' Commercial Condominiums**

Ms. Kirkpatrick read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Joe Coronati of Jones & Beach Engineers came forward with the applicant, Peter Murphy to discuss the site plan. Mr. Coronati told the Board that Mr. Murphy owned the property and currently ran a business (Family Paving) from the location. The existing building is 6,000SF and has two paved entrances. There is a space out back to park vehicles, material storage, handling, refueling, etc. as commonly seen in an industrial park by a company that does similar construction. The lot contains 4.9 acres. The proposal is to add an additional pre-engineered building (7,500SF) onto the site. The building would be split into six different bays that other contractors/industrial users could rent. The bays will be as small as 25ftx50ft. each having a front door and garage door for access. The building would be an additional industrial use on the property. A fence would be installed between the two usages on the site; the owner will still own the entire lot, its not a subdivision. A storm water analysis was submitted to the Board with the application. A new septic system has been designed. They have had conversations with Pennichuck Water regarding a connection. They've also had conversations with

Liberty Utilities for the power. Mr. Coronati stated each unit would have a garage as well as space for two vehicles in front. The site will have thirteen additional spaces for use as overflow.

**MOTION:** (Doherty/Dadak) To accept the plan for consideration.

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

Mr. Doherty noted that the plan should reflect the correct utility companies.

Mr. Gowan suggested that the applicant submit information regarding the type of tenant that would occupy the units and what parameters/uses they would be. Mr. Murphy replied they would probably be smaller businesses that were currently being run from residences (i.e. plumbers, electricians).

Mr. Bergeron inquired if the applicant would retain ownership of the building/units. Mr. Murphy replied there were no plans to subdivide. Mr. Bergeron understood that the applicant would maintain ownership; it was not a 'condominium' form of ownership. With that information, Mr. Gowan suggested the units not be referred to as 'condominium units' and instead be referred to as 'commercial units' so the record is clear.

Mr. Montbleau opened discussion to public input. No one came forward.

The Board suggested the plan be reviewed by the Town's engineer prior to coming back in front of them. Mr. Murphy had no objection and told the Board he was in his busy season for business and wasn't in a rush.

The Board discussed date specification. Mr. Coronati believed October 7, 2019 would allow time for review/response to engineering.

Mr. Doherty asked for information about the storm tech system. Mr. Coronati stated the septic design plan showed a better scale of the system. To the right of the building was an underground storm water detention system that allows for treatment, storage and infiltration of storm water. There is an additional system labeled 'R tank'. Details for both were shown on page D2. Mr. Bergeron wanted to know where potable water would come from. Mr. Coronati replied it would come from Pennichuck Water.

To allow time for engineering review and applicant response, the case was date specified to October 7, 2019 meeting.

## **DISCUSSION**

### **Map 29 Lot 7-95 Proposed demolition and temporary parking at Pelham Plaza**

Mr. Gowan told the Board that the owner of the Pelham Plaza proposed to remove the last three units (Dunkin Donuts, Super Cuts, Pelham Cleaners) on the south end of the plaza (beside Suppa's Pizza and Ruby China). The units and drive thru will be removed and turned into temporary parking. The owner will come back to the Board with a site plan for a stand-alone liquor store. He described the plans for demolition, which is usually handled administratively.

Mr. Bergeron thanked Mr. Gowan for bringing the information to the Board's attention.

There was no objection to Mr. Gowan handling the demolition aspect administratively.

### **Recommendation to Board of Selectmen to accept Garland Woods project roads**

Mr. Gowan informed that he reviewed the roads within the Garland Woods project (off Currier Road) with the Road Agent, Jeff Quirk (Keach Nordstrom) and the president of the homeowner's association. He stated there were no issues. He asked the Board to allow him to write a letter expressing the Planning Board's recommendation to the Board of Selectmen to accept all the Garland Woods project roads (Grouse Run, Caribou Crossing and Bramble Path) as Town roads. There was no objection.

**Zoning Discussion if requested**

Mr. Montbleau suggested the Board dedicate their September 16th to Zoning issues. There was no objection.

**DATE SPECIFIED CASE(S) – October 7, 2019**

PB Case #PL2019-00020 - Map 1 Lot 5-107-3 - MURPHY, Peter – 9 Dick Tracy Drive

**REQUEST FOR NON-PUBLIC SESSION**

Mr. Bergeron commented Mr. Gowan provided the Board with legal correspondence prior to the meeting. He wanted the Board to move into non-public discussion to discuss the matter.

**MOTION:** (Bergeron/Doherty) Request for a non-public session per RSA 91-A:3,II,L (consideration of legal advice)

**ROLL CALL:** Roger Montbleau-Yes, Cindy Kirkpatrick-Yes, Paul Dadak-Yes, Tim Doherty-Yes, Jim Bergeron-Yes, Selectmen Representative Hal Lynde-Yes, Alternate Derek Steele-Yes,

*Also present during non-public session were:* Alternate Paddy Culbert, Alternate Richard Olsen, Alternate Bruce Bilapka, Planning Director Jeff Gowan

It was noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the meeting. The Board entered a non-public session at approximately 9:45pm.

**MOTION:** ( ) To leave non-public session.

**VOTE:** ( ) The motion .

The Board returned to public session.

**MOTION:** ( ) To indefinitely seal the non-public meeting minutes.

**VOTE:** ( ) The motion .

**ADJOURNMENT**

**MOTION:** ( ) To adjourn the meeting.

**VOTE:** ( ) The motion .

The meeting was adjourned at pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary