

APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
March 1, 2021

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

The following notice was read aloud “A Checklist to Ensure Meetings are Compliant with the Right-to-Know Law During the State of Emergency” (*regarding access to the meeting*)

Secretary Cindy Kirkpatrick called roll:

PRESENT ROLL CALL: Tim Doherty – present
 James Bergeron – present
 Cindy Kirkpatrick – present
 Danielle Masse-Quinn – present
 Alternate Paddy Culbert – present
 Alternate Bruce Bilakpa – present
 Alternate Samuel Thomas – present
 Planning Director Jeff Gowen – present

Via Telecommunication:

Paul Dadak – present via Zoom; no one in the room
Roger Montbleau – present via Zoom; no one in the room
Alternate Richard Olson – present via Zoom, no one in the room
Alternate Mike Sherman – present via Zoom; no one in the room
Selectmen Representative Kevin Cote – present via Zoom; no one in the room
Alternate Selectmen Representative Hal Lynde – present via Zoom; no one in the room

ABSENT/
NOT PARTICIPATING: None

PLEDGE OF ALLEGIANCE

MEETING MINUTES

February 18, 2021

MOTION: (Dadak/Montbleau) To review the February 18, 2021 meeting minutes at the following meeting.

ROLL CALL VOTE: Mr. Cote – yes
 Ms. Masse-Quinn – yes
 Mr. Montbleau – yes
 Mr. Dadak – yes
 Ms. Kirkpatrick – yes
 Mr. Bergeron – yes
 Mr. Doherty – yes

(7-0-0) The motion carried.

NEW BUSINESS

Case #PL2021-00002

Map 22 Lot 8-117

SBJ Land Holdings (Owner) / RGA Land Holdings (Applicant) – 13 Main street – Site Plan Review for a proposed Conditional Use Permit to construct a 60' x 80' building along Main Street, and construction of 1-6 unit Townhouse style residential home in the Mixed Use Zoning District (MUZD).

Mr. Bergeron recused himself from the discussed as he is a relative of the applicant. Mr. Doherty appointed Mr. Bilakpa in place of Mr. Bergeron.

Mr. Gowan 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 Maynard of Benchmark Engineering came forward via telecommunication to represent the applicant. He stated that the property is located at 13 Main Street in the MUZD zone. He informed that they came forward with a conceptual plan in November of last year and had made some adjustments. He explained that the lot is about 2.5 acres in size with no wetlands observed on the property. He informed that the property has sandy soils and deep water tables. The lot is currently undeveloped and has access to Pennichuck Water. He informed that the applicants were looking to develop the property under a conditional use permit from the Board to create a 4,800 square foot retail and office building that would face Main Street as well as add a single building that would house six individual units with two bedrooms each. He explained that they would develop each unit individually with their own septic systems and have them tie into the Pennichuck Water line.

Mr. Maynard informed that they designed the plan with an underground detention system that picks up runoff from the property and pipes it to an underground system below the commercial property. He noted that this also sets up a groundwater recharge system. He highlighted that the heights of the structures would be under 35 feet in height and that each residential building would have at least 2 parking spots and the commercial building would have 20.

Mr. Maynard stated that they were asking for four waivers on the conditional use permit. The first was a waiver on the site-specific soil mapping. He explained that they had done numerous tests to confirm what the soils were on the lot and did not feel like a site-specific soil mapping would offer additional information. He also asked for a waiver on the parking island requirement for sites with 20 or more parking spaces. He explained that there are two rows of parking with 10 spaces on each side. He believed that having an island in the middle of those would decrease their parking overall. Mr. Maynard also stated that they would like a waiver on the required landscape architect and showing the septic system designs upfront, but did not go into further detail.

Mr. Gowan informed that the applicants had a complete application, thought they may need to do some more work. He believed that it would be appropriate to accept the plan for consideration if the Board were to agree.

Ms. Masse-Quinn stated that Mr. Maynard came to the Board on September 21, 2020 with a similar plan. She informed that during that meeting it was expressed multiple times that townhouses were not allowed in that part of Pelham. She referenced the Town vote from March 8, 2016 and read aloud from Warrant Article 2 from that ballot: *“Are you in favor of the adoption of Amendment No. 2 as proposed by the Pelham*

Planning Board for the amendment to the Pelham Zoning Ordinance, Article VI, Mixed-Use Zoning Overlay District (MUZD) for Pelham Center. This amendment would modify the language within the existing MUZD ordinance. The proposed changes are to section 307-25-3 Table of Uses within the MUZD eliminating the Prohibited Uses column from the Table leaving the Allowed Uses intact, also to remove 'Town Houses' from the list of allowed uses and to add the following words at the bottom of the table 'ANY USES NOT LISTED ABOVE ARE PROHIBITED WITHIN THE MUZD.'"

Ms. Masse-Quinn stated she was confused on why she was looking at a plan for townhouse style buildings when townhouses are not allowed. Mr. Maynard replied that it was his understanding that if the residential units were all in one building then it would be allowed and not conditioned upon the look of the building. Mr. Doherty responded that was not correct. He asked Ms. Masse-Quinn to read aloud from the minutes from the aforementioned meeting, as she had them readily available. Ms. Masse-Quinn read aloud that Mr. Doherty stated that townhouse style buildings were not allowed in the MUZD and that there could not be multiple buildings for dwelling purposes. Mr. Doherty stated that townhouse style buildings were still not allowed in the MUZD and felt like that was made clear at the last meeting regarding this plan. Ms. Kirkpatrick agreed that she thought it was clear and stated that one building is acceptable, but the proposed style of them is not. Mr. Culbert and Mr. Dadak agreed. Mr. Bilapka informed that the 2016 vote on this warrant article was overwhelmingly against townhouses.

MOTION: (Bilapka/Masse-Quinn) To not accept the plan for consideration.

ROLL CALL VOTE: Mr. Bilapka – yes
 Ms. Masse-Quinn – yes
 Mr. Montbleau – yes
 Mr. Dadak – yes
 Ms. Kirkpatrick – yes
 Mr. Doherty – yes
 Mr. Cote – yes

(7-0-0) The motion carried.

The plan was not accepted for consideration.

Mr. Maynard asked for clarification that the number of units was okay, it just could not look like a townhouse. Mr. Doherty stated that was correct. Mr. Maynard asked if this could be continued to a specific date so he could redo the architectural components. Mr. Gowan replied that as the plan was not accepted for consideration, they could not do that. He stated that in the context of a misunderstanding on the applicant's part, he would be amendable to have the application fees waived besides those associated with the cost for abutter notification. Mr. Doherty replied that he did not have a problem with that. Mr. Sherman asked that Mr. Maynard provide more substantial, colored renderings of the plan next time to give the Board a better understanding of what the buildings would look like. He also stated that they will need to see a landscaping plan as well. Mr. Doherty responded that they would need to wait for a plan to be accepted to require that, but it would be a good thing for Mr. Maynard to consider. Ms. Kirkpatrick informed that the April 5, 2021 meeting would be about a month out from this meeting. Mr. Maynard responded that he would work to have everything set for that meeting.

Case #PL2021-00003

Maps 30 & 23 Lots 11-335 & 11-352

Daniel & Debra Constant Family Rev Trust – Springdale Ave – Proposed Lot Line Adjustment.

Mr. Joe Maynard came forward to represent the applicants.

Mr. Gowan 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. Doherty informed that he was not an abutter but lived very close to the area. He asked if anyone on the Board wanted him to recuse himself. The Board members expressed that there was not an issue with him staying on.

Mr. Maynard informed that there were two pieces of property that are roughly 2.8 acres in size and 0.4 acres in size, both owned by the applicant. He informed that the plan went through the Zoning Board and Planning Board several years ago the requirement was made that the smaller lot become at least 1 acre in size. The applicant had some personal matters arise and could not adjust the lot line at that time. He stated that they are looking to make the smaller lot 1.4 acres in size and decrease the other lot to 1.8 acres in size. He informed that a septic design was done on the 1.8-acre lot and was already approved by DES.

Mr. Gowan asked for clarification that the applicant was creating two conforming lots out of a large lot and a nonconforming lot. Mr. Maynard replied that was correct.

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

ROLL CALL VOTE: Mr. Cote – yes
 Ms. Masse-Quinn – yes
 Mr. Montbleau – yes
 Mr. Dadak – yes
 Ms. Kirkpatrick – yes
 Mr. Bergeron – yes
 Mr. Doherty – yes

(7-0-0) The motion carried.

Mr. Culbert asked if both lots would be conforming if the lot lines were to be adjusted. Mr. Gowan replied that what Mr. Maynard had said and what the Zoning Administrator, Ms. Beauregard, believes. Mr. Doherty replied that they would be a conforming as possible on a private road, as they lack some frontage. He stated that it would be difficult to get both of these lots to be perfectly rectangular. Mr. Gowan stated that Ms. Beauregard went through very carefully to reach the decision that both of these lots are conforming lots, given the variance that was granted for frontage.

Mr. Doherty asked how the soil conditions were on the lots and if they were putting a septic system in. Mr. Maynard replied that they tested the soil for both lots and found that the soil gets better the closer it is to the pond. He noted that the soil was not bad at the top of the site, just better on the smaller lot, as it was closer to the pond. He believed he could put a gravity fed septic system in for the property. Mr. Culbert stated that he wanted a conditional of approval to be that a gravity fed septic system would be put in. Mr. Maynard replied that he wasn't sure if that needed to be a condition of approval, as the house could potentially be torn down and rebuilt at some point. He stated if it was needed, they could make it a condition, as he believed he could make it work the way it was now, but could not be sure it would work for a newer construction. Mr. Gowan stated that it was important to understand that any septic design there would need to be approved by the State. He did not think it was necessary to have the applicant come back for the design of their septic system, as it gets approved by the State first. Mr. Culbert asked if it would be close to the pond. Mr. Gowan replied that it was, but that they were working to pump away from the pond. Mr.

Maynard replied that the septic system would be about 200 feet to where the end of the system would be to the edge of the pond. Mr. Culbert removed his request for the condition.

Ms. Masse-Quinn noted that abutters had a deeded right-of-way on the lot and if the lot line adjustment would interrupt that for the residents. Mr. Maynard stated that there were no plans to interrupt the right-of-way.

Mr. Bergeron asked if the square footage on Lot 11-335 included the small access connected to that lot. Mr. Maynard replied that there were a couple of right-of-ways that went down to the pond that were owned by the client, but they were not included in the calculations for square footage of the lot.

Doherty opened the discussion to the Public.

Mr. Mark Danisewicz of 68 Webster Avenue came forward via telecommunication. He stated that he was in support of the proposal. He stated that he had some concerns as this property directly abuts his own, but as nothing is really changing, he is not against the proposal.

Mr. Joost Verhofstad of 96 Webster Avenue came forward via telecommunication. He stated that he thought it was a nicely designed proposal with the septic system. He stated he was fully in support.

Mr. Charles Haggerty of 4 Springdale Lane came forward. He asked if it was possible to further divide the properties to allow for three houses to be built. Mr. Maynard responded that any additional subdivision would require Zoning relief and it was not in his client's interest to subdivide further.

Ms. Marjorie Haggerty of 4 Springdale Lane came forward. She stated that her concerns were similar to that of her husband's who spoke previously. She informed that there was an existing cottage on the smaller lot. She explained that she recently built a new home on the lake but built according to the existing footprint on the lot with a granted variance. She wanted to know if the applicant were to rebuild, if they would need to follow the existing footprint or if the original dwelling would be "grandfathered in" to allow for two dwellings on the lot. Mr. Doherty explained that the current zoning only allowed for one dwelling per lot. Mr. Gowan explained that property owners have the right to rebuild on existing dwelling footprints. She stated that if this owner wanted to rebuild, as it is now part of a larger lot, they would need to build on the existing footprint or move further back if they are increasing the size.

Ms. Haggerty asked if there would be a disruption to abutters on the access road that runs through the property. She informed that the road had already been compromised and questioned if the owner had a right to make the access road narrower. Mr. Maynard responded that he was not aware of the owner putting any boulders along the road to make it narrower. He stated that he had seen some small boulders about 4-6 feet off the edge of the pavement, but that the owner was not looking to impede on the road in any fashion. Ms. Haggerty stated that this was not on Springdale Lane, but on the gravel access road. She stated that the owner had used farm equipment to make the road smaller. She did not believe that a fire truck could not go down the access road, which was a condition of approval for her to rebuild her house. She asked if the owner had the right to put the boulders along that road. Mr. Doherty responded that members on this Board would not know the answer to that question.

Mr. Lynde asked if this should be referred to the Highway Safety Committee. Mr. Gowan stated that he thought it should be referred to the Fire Department. Ms. Haggerty stated that she reached out to the Fire Department already and was told that it was a private road. Mr. Lynde stated that if what she was saying was correct, then they should try to do something if it was an issue of safety. Mr. Dadak expressed that he agreed with Mr. Lynde. He stated that the Fire Department needs access through the access road. Ms. Masse-Quinn agreed. Mr. Gowan stated that if the Board were to take action tonight, they could make it a

condition of approval to have the Fire Department make sure they could get through the access road. Mr. Lynde replied that he did not think this issue was related to the proposed lot line adjustment and did not think the two should be connected. Mr. Gowan agreed with that and stated that it could be brought to attention at the next Highway Safety meeting.

Mr. Doherty asked Mr. Maynard when the last time he was on the property. Mr. Maynard replied that it was in the fall with the Town Inspector. He did not remember having an issue driving in and out with his truck, but could not speak on if a large fire truck could make it through. Mr. Doherty stated that it has always been a condition on access roads to have a fire truck be able to go down the road and turn around. He stated that he would like to date specify the case to see if work had been done since last fall to make things less safe. Mr. Sherman stated that if the applicant had done site work with equipment things could have changed. He felt it would be a good idea to have someone look at the site before it is approved.

Mr. Thomas stated that there are three locations for a fire pipe and 11 sites for rebar, which he assumed was for erosion control. He asked Mr. Maynard to explain those two things. Mr. Maynard replied that rebar is used as another monument to find lot lines.

Ms. Elizabeth Tobe of 8 Springdale Lane stated that there is other construction happening in the area and that she has seen no trucks have any sort of issue with going down the road or turning around. She stated that someone might need to pull over for someone to pass by, but it was not a significant issue.

Mr. Doherty closed the discussion to the public.

Mr. Bergeron asked Mr. Maynard to show the new lot line to the Board. He asked if there was any existing structure on 11-352, to which Mr. Maynard replied that there was not. He then asked the same question about 11-335. Mr. Maynard replied that there was a small camp, a shed, and a couple of coverlets behind the shed. He asked if Mr. Maynard knew what the association requirements were regarding the concerns brought forth by abutters. He stated that he was concerned with safety and would not want to accept the plan without some sort of understanding on how things will be handled in a life safety emergency. Mr. Maynard replied that the abutter stated that they had just recently built a new home and did not have any problems with their construction. He explained that his client was not looking to rebuild at this time, only looking for a lot line adjustment. Mr. Bergeron stated that he understood this, but was not sure where the Board stood legally on the private road conditions.

Mr. Bergeron asked again what the legal status of the Homeowner's Association was of this road. Mr. Doherty replied that it was not relevant as no one would know the legal status of the shared common driveway that did not have a deed to go along with it. Mr. Bergeron understood that and asked if the Board and Department should look at the lot or if they were comfortable with the life safety people looking at it. Mr. Doherty replied that he was satisfied with the Fire Department looking at the lot.

Mr. Cote asked if the Fire Department did not approve, what would that mean for the other houses along the road. Mr. Doherty replied that they do not know what the Fire Department will say. Mr. Lynde stated that he believed the issue with the access road and the lot line adjustment were two completely separate entities and that they should keep them as separate thing. Mr. Dadak stated he agreed with that. Mr. Sherman disagreed and stated that if the applicant was the one who impeded the road, then it is a factor in the application and needed to be looked at. Mr. Dadak stated he agreed that it should be looked at, but he felt that the lot line adjustment was a separate issue from the access road.

Mr. Doherty asked if it was possible to get the Fire Department to look at the access road. Mr. Gowan replied that he would bring it up to the Fire Chief and if he were to see a question of safety, they would seek out legal counsel.

MOTION: (Bergeron/Cote) To date specify the case to April 5, 2021.

ROLL CALL VOTE: Mr. Cote – yes
Ms. Masse-Quinn – yes
Mr. Montbleau – yes
Mr. Dadak – yes
Ms. Kirkpatrick – yes
Mr. Bergeron – yes
Mr. Doherty – yes

(7-0-0) The motion carried.

DISCUSSIONS

Master Plan Funding & Process including Candidate Interviews for firms that responded to the RFP

Mr. Gowan informed that there were two projects currently being worked on. He stated that the first was Natural Services Inventory Study that the Conservation Commission really wanted to see and fund NRPC to do for a couple thousand dollars. He informed that there is roughly \$5,000.00 in the Master Plan Budget, which is not enough to do a Master Plan. He stated that the money could be used for a build out analysis. He stated that these two projects would be very beneficial when it came time to complete the Master Plan next year. He explained that build out analyses are completed based on current zoning and land that is not currently developed or under development. He stated that when a build out analysis is completed, they also run “what-if” scenarios. He stated that these would be great foundational pieces for the Master Plan process.

Mr. Thomas stated that he would be referring to the document that he gave to the Board on February 1, 2021. He stated that they are ahead of schedule regarding forming the Master Plan Committee and setting up the consulting firms. He stated that there were two things that needed to happen tonight: they needed to identify a chair person for the committee and send a letter to the three firms letting them know when they would come in to give their pitches. He proposed to have all three firms, NRPC, Resilience Planning & Design, and DuBois & King, come in for the March 15, 2021 meeting.

Mr. Gowan informed that all three companies had responded that they could make the March 15, 2021 meeting. He stated that the value of having all three firms come in on the same night would be that the Board could compare the firms in their minds better. He stated that they have gone through this process for numerous projects in the past. He stated that if the Board decided who they wanted to work with, they could then more accurately seek a proper budget to pay for that consultant in the 2022 Budget.

Mr. Thomas stated that once they have a consultant identified, they can work with the company on the proposal to address anything that they want to change or expand upon. He informed that there was ample time for them to work with the company on those changes based on the current timeline. He stated that by June 2021, the hope would be that they would know who they want to work with, worked to tailor the plan to fit Pelham’s needs, and then come back with an accurate quote to put in the 2022 Budget.

Mr. Gowan asked the Board if they would be comfortable with any of the companies potentially Zooming in due to the current pandemic. Mr. Dadak asked that if before they were to come in, if they could receive a package of each company's credential and their proposals. Mr. Gowan informed that that information had already been distributed, but he would send it out again. Mr. Dadak clarified that would be helpful to have each company's proposal in front of them to follow along with during each proposal.

Mr. Culbert asked if those three companies were the only three that responded to the RFP. Mr. Thomas replied that five companies had replied, which they went over at the February 1, 2021 meeting. He explained why two of the companies were not considered, mainly due to price and no New England experience. Mr. Gowan stated that the three firms that had responded and were still in consideration were well known firms with great reputations.

Mr. Bergeron asked what the best format for interviewing these companies would be. He wondered if it would happen in a public meeting, in a non-public meeting, or to have each company come in on different days. It was his impression that all of the interviews would happen separately to ensure that the first company would not be at a disadvantage. Mr. Gowan explained that hiring a firm to be a consultant is different from hiring an individual applying for a position and was a process that the Board had gone through before.

Mr. Thomas stated that price of the services does not need to be part of the presentation. He felt that the amount and value of the work was what was important and to keep the price out of the presentations, as price was not the driving factor of the decision. Mr. Gowan informed that price was not a part of similar processes that they have gone through in the past, as they would want to decide who they wanted to work with and look at price as a secondary factor.

Mr. Dadak asked if the people who would be giving the presentations would be the same people they would be working with, or if they were marketing employees for the firms. Mr. Gowan replied that they were large firms, but they would most likely end up working with the same people throughout the process.

MOTION: (Bergeron/Masse-Quinn) To appoint Mr. Samuel Thomas as the Chairman of the Master Plan Committee.

ROLL CALL VOTE: Mr. Cote – yes
Ms. Masse-Quinn – yes
Mr. Montbleau – yes
Mr. Dadak – yes
Ms. Kirkpatrick – yes
Mr. Bergeron – yes
Mr. Doherty – yes

(7-0-0) The motion carried.

Mr. Thomas stated that he would like about 10-12 members for the committee.

MOTION: (Bergeron/Masse-Quinn) To have Mr. Thomas bring in the three applicants on the March 15, 2021 meeting to give their proposals for the Master Plan.

ROLL CALL VOTE: Mr. Cote – yes
Ms. Masse-Quinn – yes
Mr. Montbleau – yes

Mr. Dadak – yes
Ms. Kirkpatrick – yes
Mr. Bergeron – yes
Mr. Doherty – yes

(7-0-0) The motion carried.

Mr. Thomas informed that the letters would go out to the companies the following day.

Discussion regarding changes to Land Use Regulations

Mr. Gowan stated that the language in the Land Use Regulations will not match the current language in the new Open-Space Subdivision Ordinance if it passes. He stated that if it does not pass, then they would need to remove the language all together.

He stated that the Board had not made it clear how they wanted to handle changes to some of the language, either by subcommittee or the whole Board. He stated that there were some really minor changes that needed to be looked at. He stated that another item the Board should revisit is how long before an approval expires. He noted that it is currently 6 months before it expires and believed it should be at least a year. He stated he was sure there were other things the Board would want to revisit and they should start to think about it and work on it within the next couple of months.

NON-PUBLIC SESSION – If requested in accordance with RSA91-A:3

Not requested.

ADJOURN

MOTION: (Montbleau/Dadak) To adjourn the meeting.

ROLL CALL VOTE: Mr. Cote – yes
Ms. Masse-Quinn – yes
Mr. Montbleau – yes
Mr. Dadak – yes
Ms. Kirkpatrick – yes
Mr. Bergeron – yes
Mr. Doherty – yes

(7-0-0) The motion carried.

The meeting was adjourned at approximately 9:22 pm.

Respectfully submitted,
Jordyn M. Isabelle
Recording Secretary