

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
November 1, 2021**

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

Ms. Masse-Quinn called roll call:

PRESENT ROLL CALL:

Tim Doherty – present
Roger Montbleau – present
Danielle Masse-Quinn – present
Bruce Bilapka – present
Cindy Kirkpatrick – present
Hal Lynde - present
James Bergeron – present
Jennifer Beauregard – present
Jennifer Castles - present

**ABSENT/
NOT PARTICIPATING:**

Kevin Cote
Paul Dadak
Paddy Culbert
Samuel Thomas

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Ms. Masse-Quinn had the following changes: Line 57, add an “E” to Masse, Line 64, add “sub” before committee and Line 108, add the words “rules and procedures with a slash” before the word by-laws.

MOTION: (Mr. Cote/Ms. Kirkpatrick) To approve the October 18, 2021, meeting minutes as amended.

VOTE: (6-0-1) The motion carried.
Mr. Cote abstained

Mr. Doherty re-did the vote, noting that Mr. Bilapka will vote in place of Mr. Dadak.

Case #PL2021-00026 Map 22 Lot 8-130 Beaver Brook Village, LLC – 52 Windham Road.

Ms. Kirkpatrick recused herself from the case, as she stated she was an abutter.
Mr. Bill Renaud introduced himself with Beaver Brook Village, LLC. Per the last meeting he attended, the board wanted him to address the single egress from the second floor and to go through a third-party code review by Life Safety Engineering Firm then pass that onto the Fire Department and go from there.

The report was done and given to the Planning Board. Mr. Hodge from the Fire Department did approve the review and conceptual plan the board approved at the prior meeting. Mr. Bergeron mentioned his concern at this point is would there be any change to the outside appearance to the building. Mr. Renaud said it would be the same as originally proposed and that the second-floor windows would meet the egress specs. Once the full architectural set is done it will go before the Fire Department review again and would have to be approved prior to the start of construction. Mr. Bergeron asked if the site plan is to date and asked about a continuous fence on the side. Mr. Renaud said that it was the originally approved site plan and when he was at the previous meeting, he did agree to the fence along the side. Mr. Doherty read the letter from SFC Engineering, and he wanted clarified if there would be a sprinkler system on both the first and second floors of the building. Mr. Renaud said yes there would be systems on both floors and there would also be a fire rating ceiling floor which will be put in for extra protection. Mr. Bergeron confirmed that this will be a single rental unit. Mr. Doherty opened it to the public and no one spoke. Ms. Beauregard and Ms. Masse-Quinn both said the plan has been accepted already for consideration. Ms. Beauregard recommended adding some conditions to the plan and they were: that the residential unit have compliant, emergency escape and rescue windows, satisfying IBC Section 1031 and the requirements for escape of NFPA 101, as described in SFC Engineering's memorandum dated Oct. 14, 2021. The second is to ensure the mixed-use building to be protected by an automatic sprinkler system, which fire protection plans would need to be submitted, reviewed, and approved by the Fire Department prior to issuing the building permit.

MOTION: (Mr. Montbleau/Ms. Masse-Quinn) To approve the plan subject to the conditions stated.

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

Mr. Doherty discussed the review of the Zoning ordinances and said that Ms. Beauregard typed up the proposed changes and there was a copy provided to the board members. Ms. Masse-Quinn had a change to recommend on number 30, for the definition of workforce housing to correct the word "defined". Mr. Doherty said on page 3 for the definition of multifamily dwellings, it starts with "Check Building Codes" Ms. Beauregard said she wasn't sure why that was written that way and thought it might refer to the building code where they define them as three or more units and the building code might refer to five units. Ms. Masse-Quinn said on the next page, the statute talks about five units. Ms. Beauregard said the Town of Pelham refers to multi-units as three or more units. Ms. Masse-Quinn said they added in number 22, which was workforce housing multifamily dwellings. Ms. Beauregard said there was never a definition in there for multifamily dwellings, so this was needed to be added before they add workforce housing. Ms. Kirkpatrick said in the table, multi-family dwellings are not allowed in residential, and she was concerned about if workforce housing are considered multifamily, then to make sure they are also not allowed in residential. Ms. Beauregard said they separated and added to the table of uses to show where they were allowed. Ms. Masse-Quinn said all this information was based on the workforce housing statute and it clearly states that residential is allowed. Mr. Bergeron said that workforce housing multifamily is required by statute to be in a residential district. Ms. Beauregard said that is why they separated them out and asked if they wanted her to add on the table of permitted uses to the rural district. Mr. Doherty asked where the rural district is. Ms. Beauregard said Simpson Road, off of Route 38. Mr. Bergeron said it is near the land fill area and it's a holdover from the past agricultural district. Ms. Beauregard said they can take out the "Check Building Code" and it can start off with "For the purposes of this zoning ordinance". She said it is up to the board, but they are trying to clarify that the codes and statutes refer to more units. The board decided to start it with "multi-family dwelling units" and they will scratch off "Check building codes for the purpose of the zoning ordinance". Mr. Bergeron asked if the multifamily workforce housing should be defined as five, four, or three or more. Mr. Doherty said the RSA says five or more. Mr. Doherty said on page 11, there were two question marks and wanted to replace them with SUP (Special Use Permit) and was everyone okay with that change. Ms. Masse-Quinn said she thought it can be left out, as it was covered everywhere else. Mr. Doherty asked if the Girl Scout

Camp was in the RU district and she didn't know off hand, but would find out. Mr. Cote said it is definitely five units, he looked it up. He mentioned that if they put the workforce multifamily dwellings in the principal permitted uses by district, are they going to be permitted in the residential districts. Mr. Doherty said in the last meeting they talked about putting it in the B1-4 and B5. Ms. Masse-Quinn said to look at the statute 674:59, it mentioned that work force housing to be located in a majority, but not necessarily all of the land area that is zoned to be permitted residential uses within the municipality. Mr. Cote said if the majority of our land is residential then we are not following the workforce housing laws. Ms. Masse-Quinn said that we are, as the rural is only a small portion of the town and that this is from the permitted use column, page 11. Mr. Doherty said this was good to discuss and clarify prior to the public hearings. Mr. Doherty asked if the board agreed not to add it to those two districts and to remove the two question marks. He clarified that at the last meeting, the board members agreed to add it to the residential, the B1-4 and the B5 districts and that there can't be residential in the industrial. Tonight, they were discussing the rural district and the recreational district (RCA). Mr. Bergeron asked if they want it in the industrial district and the board said no. He asked if work force housing will be allowed in those districts. Mr. Cote said they were going by the state law. Mr. Bergeron said the statute seemed to say it can't be at a small percentage and towns are dealing with it and it is very wide-open statute. Mr. Doherty saw it as permitted by special use permit by the Planning Board that was discussed at the last meeting and then it would be considered innovative land use. Mr. Cote said that if this was done it would have to be done as a project and if it was one building with five units and it wouldn't make financial sense for them. Mr. Cote said to remember there is a master plan coming next year so they are trying to make the verbiage make sense and to address workforce housing now. Right now, it makes sense to add some key words to the zoning that would give them some protection until the master plan is finalized. Mr. Bergeron said currently in Salem there is a building with 74 units of work force housing being proposed. Mr. Cote said that can't happen in Pelham, as we don't have that type of buildings. Mr. Doherty said that currently in residential they need one acre per house and two acres for a duplex and if it was workforce housing, they still need an acre per unit. Ms. Beauregard mentioned the table of dimensional requirements should also be updated to include the workforce housing and to remove elderly housing. They need to update it to adjust the acreage account for the five units. This was on page 6 of the zoning ordinance. Mr. Doherty said the table does not refer to workforce housing, only multi family dwellings and if they will have two separate definitions then this should be added to the table. Ms. Kirkpatrick said to remove the elderly development line. Mr. Doherty said it could mirror what it says for multifamily dwellings or workforce housing. Ms. Beauregard suggested to change the three acres to five acres. Mr. Cote said they need to address if it's in the residential as it will reflect differently in the business, and he asked if they need two separate lines. Mr. Cote said there is a star next to multifamily dwellings and shall have an additional 10,000 s/f of lot area for each bedroom in excess of ten. Ms. Beauregard thought that it could say that. Mr. Cote said it addresses the business district. Mr. Doherty said in Section 307-13 under the table on page 7, he said there is an entire page of items they impose on single family and duplexes, however there are none for multifamily dwellings in a business district. He discussed an example of the Acres Edge business on Rt. 38. Ms. Beauregard asked how they would address minimum lot sizing for a five-unit multifamily workforce housing in the residential zone. Mr. Cote said that if they put it in the table, the question would come up if that included the B1 district. He questioned if they need to separate the workforce housing into two, one in residential and one in the business district. Ms. Beauregard said they would make sure there is enough usable land and what about the minimum lot size calculations. Mr. Doherty said in the SUP, in the district, on page 12, where the Planning Board would treat it as innovative land use. He spoke of a previous plan that came to the board. He said that currently in the center of town, the number of units are completely soil based and they don't set the MUZD in the table and decide the number of units or s/f. Mr. Cote asked about the SUP on page 11 and on page 6 in that table and that the board has the ultimate say by permit. Mr. Doherty said not right now in the business district, unless it was passed. Mr. Cote said that if they mention it just once then they can be covered. Ms. Beauregard would check to see if this would be one question on the ballot for all these changes. Mr. Doherty said they could change on Table one, change elderly housing line into the

workforce housing line and then decide on the lot size by calculating that. Mr. Cote said it would be 217,800 s/f if it was changed to the five acres. Mr. Doherty said he will work on that. Mr. Cote talked about the setbacks and the frontage, he said it should be 200 and not 50. Mr. Doherty said the setbacks could be granted relief under the SUP in the table and keep them far off the property. Mr. Bergeron spoke of the multifamily district in the center of town. Mr. Doherty stated that none of the changes they have made are in the MUZD. Mr. Bergeron referred to the table of setbacks, and the reason the 100 feet got in there, was because of the elderly housing. He asked if it would put them in a bad position keeping the setbacks at 100 feet. Mr. Doherty said no, because on page 12, the SUP is the baseline of 100 feet, and it would be up to the board to decide that. Mr. Bergeron asked for a definition of a special use permit and Mr. Doherty said it's in the RSA's. Mr. Doherty said that right now they are just trying to cover themselves with wording on our zoning, to cover the law. Mr. Cote said that SUP is under RSA 674:21: II, which he read it into the record. Mr. Cote said they don't have to say it's innovative land use, as it is innovative land use by special use permit. Mr. Doherty said an innovative land use ordinance doesn't have to be by special permit, but it can be. Mr. Bergeron said that refers to RSA 674:16 that gives the power to do that. Mr. Doherty said right now there is no stand-alone ordinance. Ms. Beauregard asked if it's possible to put it where they put 'permitted by special use permit' from the Planning Board pursuant to the statute for innovative land use to cover it. She was wondering if there way a way to add it in there, maybe after the table of permitted uses. Mr. Bergeron said they could ask legal and reference the RSA. Mr. Doherty said on page 11, there's an 'S' with an asterisk and on page 12, this could be done there as well. Mr. Bergeron said if they mention that statute, they should be covered for innovative land use. Ms. Beauregard agreed that would clarify it. The board agreed to add RSA 674:16 in the same format, using SUP with an asterisk and Ms. Beauregard will add that. Mr. Bergeron wanted to make sure it is based on 674:16 to grant special use permits and conditional use permits then they will be all set. Mr. Cote said they must remember it is innovative land use controls or a control method. Mr. Bergeron mentioned bringing forth non-conforming lots and his discussions with Ms. Beauregard. Mr. Doherty asked Ms. Beauregard to make the changes that they discussed so the board can review them one more time. Ms. Beauregard talked about how some older lots are coming to the board with non-conforming lot issues. She asked if the board was going to put together a sub-committee to discuss this and they could discuss this at the first meeting in December. Mr. Doherty asked if there were any guidelines for the camps that are trying to be made into year-round homes. Ms. Beauregard said there are some in the building codes and health officer's code and the houses all have to be brought up to code, but there are no local codes. Mr. Doherty asked if anyone wanted to get together to help create an ordinance relating to Section 307-8, non-conforming uses. Mr. Cote mentioned that it would have to be done by December 8 and there is a meeting on December 6 and 15 and that it would be tight. Mr. Bergeron said that the members can work on it themselves and then come and talk about it at the next meeting. Mr. Cote asked if the next two meetings are light, and Ms. Beauregard said there is a presentation from Ryan Freedman from NRPC and there are no current cases on the agendas for December. Mr. Bergeron said that coming from the board of adjustment, they process a lot of accessory dwelling units that are attached. He said they get granted a special exception and Ms. Beauregard has a list and can pass it or not. He said it could be done easier by a matter of right. He said the applicant won't have to come to the board unless they don't meet a portion of the special exception. He mentioned that accessory dwellings are a part of the requirements for workforce housing, so this will help us look more compliant with the statute. Mr. Cote said he is all about the ease of the process. Mr. Cote asked if this will be a zoning article for change. Ms. Beauregard said it is Section 307-74, Article 12, page 56. Mr. Doherty said the wording could change the line above the section. Ms. Beauregard said that would stay under special exceptions, as it's still relevant. Mr. Doherty said they will have to read the entire ordinance and asked if Ms. Beauregard can read through that to see where the changes would have to be made. Mr. Bergeron read the RSA into the record and said it can be done as a matter of right. Mr. Doherty said page 57 and G will have to change. The board agreed it will save everyone time if this change is made. Mr. Cote mention that it is RSA 674:72: I. Mr. Bergeron said this will help the board meet the workforce housing requirements as well. Mr. Cote said this could be

added in the zoning to further comply with the RSA for workforce housing that we are allowing accessory dwellings by right.

ADJOURN

MOTION: (Mr. Montbleau/Mr. Cote) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:47 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary