

APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
December 6, 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
Hal Lynde – present
Kevin Cote - present
James Bergeron – present
Sam Thomas - present
Jennifer Beauregard – present
Jennifer Castles - present

**ABSENT/
NOT PARTICIPATING:**

Cindy Kirkpatrick
Paddy Culbert

Mr. Doherty assigned Mr. Bilapka to vote in place of Ms. Kirkpatrick and Mr. Thomas to vote for Mr. Culbert.

PLEDGE OF ALLEGIANCE

Mr. Doherty mentioned that Mr. Culbert wasn't feeling well, and Mr. Montbleau put together and sent a nice gift to Mr. Culbert. He passed around a paper to the board to see if anyone wanted to contribute towards the gift and to turn into Ms. Masse-Quinn. Mr. Bergeron thanked Mr. Montbleau for doing that.

MEETING MINUTES

Mr. Lynde had the following change to the November 15, 2021 minutes: Line 124, change the word 'is' to 'if'.

MOTION: (Mr. Montbleau/Mr. Bergeron) To approve the November 15, 2021 meeting minutes as amended.

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

Mr. Doherty said they had one application for an alternate member on this board and the applicant was present in the audience. Ms. Masse-Quinn mentioned that there was one other applicant, but there was a RSA discrepancy with that applicant due to him being on another board. Mr. Doherty said that was John

Spottersworth and he wasn't there tonight. Ms. Masse-Quinn said he couldn't be there tonight, as he sits on the AG board with herself, and the RSA says that no two planning board members can sit on the same two boards together. Mr. Cote said that the agricultural board is part of a land use board per RSA 673.2. Ms. Masse-Quinn said it is the AG and conservation commission. Ms. Beauregard pulled the RSA and said it appeared to be that way, but Ms. Masse-Quinn will look into it further to see if he can be an alternate to her. Mr. Bergeron asked if that was on hold and Mr. Doherty said yes. Mr. Doherty said Mr. Sawtelle was there and asked if the board wanted to act on that tonight.

MOTION: (Mr. Cote/Mr. Montbleau) To appoint Scott Sawtelle to the planning board as an alternate for a three-year term.

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

Mr. Bergeron asked how many alternates the board is currently down. Ms. Beauregard said currently they are down two. Mr. Doherty said they are looking for at least one more applicant, depending on what happens with John Spottersworth. Mr. Sawtelle introduced himself to the board. He said he has lived in Pelham for 16 years and wanted to get involved with the local government.

Case #PL2021-00030 – David and Lynn Wesson, 21 Slavin Drive – Map 38 Lot 1-137-4

Ms. Masse-Quinn read the abutters. Mr. Joe Maynard from Benchmark, LLC introduced himself, representing the Wesson's. They are applying for a detached accessory dwelling unit on their property. The lot is about 1.78 acres and is in the residential district. The new structure will be 25 ft deep by 40 ft wide. The building will sit to the southwest of their existing home. The lower level will be a garage with the ADU on the second level. The current property has a two-story, single family home on it now, about 2,900 s/f and the ADU will be 1,000 s/f. The structure meets all the criteria, such as square footage, acreage, frontage, impact fees and slopes. There is an existing well that will provide enough capacity for the ADU and the home. He already had received state approval for the septic system for the one-bedroom ADU and this will be a new and separate system from the one that is already being used for the single family. The exterior has the appearance of a single-family dwelling. All building setbacks are met. They are proposing it be to the side of the existing driveway, with its driveway to be split off of the current driveway. Mr. Bergeron asked about an address of 966 Bridge Street and Mr. Maynard said that was a typo. Mr. Bergeron asked about the septic showing as a zero bedroom. Mr. Maynard said the way the state works for that is based on the number of gallons and it doesn't come through as a bedroom count for an ADU. Mr. Bergeron asked if he had to push the well radius out to 100-feet. Mr. Maynard said he met the criteria, so he doesn't have to, as he is under that amount.

MOTION: (Mr. Cote/Ms. Masse-Quinn) To accept the plan for consideration.

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

Mr. Cote asked about page two on the checklist and he said it should read as "Dwelling units shall contain no more than two bedrooms". He said that Mr. Maynard does have it correct in his checklist. Mr. Thomas asked what is the quality and quantity of the water that is being sourced. Mr. Maynard said the ADU is 225 gallons per day and that is what the state holds. Mr. Thomas said that area has a problem with water sourcing. Mr. Doherty opened it up to the public. No one spoke. Mr. Lynde asked about off street parking not being checked. Mr. Maynard said there is a major driveway to the house and the driveway that splits off is more than 20 feet deep, so it will fit many cars. Mr. Cote asked if they are putting in a separate driveway. Mr. Maynard said the driveway is going to be split and in front of the doors there will be at least three additional spaces. Mr. Bergeron asked what the setback is on the southerly side. Mr. Maynard said it was over 40 feet. Mr. Thomas asked again what the source of the water was going to be and wanted to ask the owners if there would be a potential problem with water.

The owner came forward, but did not introduce himself. He said that they have so much water that they don't know what to do with it all. He said he filled his inground pool using his well. Mr. Montbleau said that that area was a glacier stone and there are many fissures in it. He said that the owners must have tapped into a fissure and that is why they have an abundance of water. He mentioned a neighborhood in that area that was able to supply 65 new homes. Mr. Thomas accepted that answer. Ms. Beauregard asked Mr. Maynard if the shed is coming down and he said yes and that it is already gone. Mr. Bergeron mentioned and thanked the owners for contributing to the workforce housing stock.

MOTION: (Mr. Cote/Mr. Montbleau) To grant the conditional use permit for this plan.

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

Case #PL2021-00031 – Map 39 Lots 6-183 & 6-184-1 – Marsh Road/Patriot Drive

Mr. Joe Maynard from Benchmark, LLC introduced himself, representing CMK Equipment. This plan had been before this board in 2019. It began as a conservation subdivision but did not follow through as that. There are two properties that are being combined, one is tax map 39 Lot 6-83, which is 32.7 acres and the second is tax map 39 Lot 6-184-1, which is .63 acres. The total project area is 33.36 acres and it is zoned residential. There is a short road called Cornstalk Lane which is off of Patriot Road. This land had non-conforming buildings and uses and historically was used by F&F Paving and it has a duplex on it, a barn and storage garages. There was farming done on this land and there was an asphalt plant on it, as well. His client spent about nine months cleaning that up and it has since been removed for about 18 months now. He is proposing to subdivide the non-conforming uses that have frontage on Marsh and Mammoth Road into an 18-acre piece of property. The remaining land will be off of an extended Cornstalk Lane, about 900 feet to a cul-de-sac. The road will be about 1000-feet. They are proposing seven house lots, three of the lots qualify for duplex lots. For drainage they are proposing at the end of Cornstalk Lane to the rear, they will take that drainage and will send it down to a detention pond that will be constructed at the end of the cul-de-sac. The pond will handle the drainage from the houses and the road extension. The pond will discharge into an area that was excavated on the property. He mentioned an abutter, Mr. Culpa, 76 Patriot, who was concerned about lights from cars on his property. The plans propose a strip of evergreens along Patriot up to the property and then fans out to that end to appease Mr. Culpa. Mr. Maynard said there is a special permit request, which they are going to the board this week on. It is for the outlet area from the detention pond. This is all outside of the WCD, but they need to excavate a small area of about 1100 s/f in the WCD so they can drop the grade from nine inches to one foot so the outlet pipe can drain. There are two waivers needed. The first one is for lot lines being perpendicular to the street. In the cul-de-sac area the lot lines there aren't perpendicular radial to the street. They are looking to adjust those, so they are not radially to the cul-de-sac, but it doesn't affect them. There is a wetland that bisects those, and the lot line will run through the wetland area. The other area is the cul-de-sac between the right lot and the lot off the cul-de-sac they are looking to not have a radially location. The second wavier is for site specific soil mapping and they did that for any of the new lots they are creating. They did not test the current house and buildings on the Marsh Road side because they are not developing that at this time. This also falls under urban land, which means it has already been developed at some point. The back side of the property was already done, and they consulted with Mr. Keach regarding the drainage classifications. They are also looking to create a detached accessory dwelling. Currently there is a building that was an office/garage with a full room above it with a bathroom. This is not seen from the street, and they are looking to make this into a detached ADU.

MOTION: (Mr. Cote/Mr. Montbleau) To accept this plan for consideration.

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

Mr. Thomas asked is the previous asphalt company actually compound asphalt there. Mr. Maynard said his understanding was the site wasn't big enough to produce enough asphalt in a day to be able to support the work. It was a small plant and it had rock crushing. He did an environmental study of the property, and it came back clean for the entire property. This was done upon the conceptual review. None of the tanks had leaked when they were cut up. Mr. Thomas stated that asphalt is a carcinogen. Mr. Lynde asked if they had taken the proposed roundabout at Marsh and Mammoth Road into account. Mr. Maynard said he has not seen any designs for that and said he can foresee that there is an existing duplex that may have to be moved near the proposed roundabout. Mr. Cote mentioned he thought it impacted the house where Marsh and Mammoth Roads split, as this was talk from a couple of years ago. Mr. Maynard said this new road is coming off of Patriot Road. Mr. Cote asked if the proposed ADU is on the eighth lot. Mr. Maynard said the eighth lot is 18 acres and this is heavy to the Mammoth and Marsh Road intersection and the detached structure is in the middle of the site off of Cornstalk Lane, maybe Lot 7. Ms. Masse-Quinn asked if the ADU would have to be something separate from this plan. Mr. Maynard thought because it was on the same land that it made sense for him to put it on the same application. Mr. Bergeron said that Ms. Beauregard is correct in her assertion in that would be a separate action and that she is recommending waiting on input from the conservation commission for two reasons. One is for the building envelope for shoreline protection area and the second is it has to go to Mr. Keach. He asked Mr. Maynard to explain the status of the existing 300 feet of Cornstalk Lane. Mr. Maynard said Cornstalk Lane was permitted back in 2016 and the owners of this property constructed this lane. It is not in the center of the right of way. Where this lane starts at Patriot Drive it is 57 feet wide and it tapers back to a 50-foot right of way. He said he thought they held the offset from the easterly sideline of Cornstalk, which put the pavement not in the center of the road. Electrical hasn't been run into this property and as part of this application they would straighten out the alignment in the road. Mr. Bergeron asked what the standing is with that road now. Mr. Maynard said it is private until the time it becomes extended into a cul-de-sac. He said Mr. Keach did an inspection on it and there are slips for the gravel and drainage done. They just didn't have the horizontal alignment. Mr. Bergeron asked to have Mr. Keach take a look at this road as far as the first 300 feet. Ms. Beauregard said there is a bond on that portion of the road already. Mr. Doherty asked what number the first lot would be on the right side. Mr. Maynard said it would be 6-183-7 or (Lot 7) and that is a 2.5-acre lot. This meets the criteria for a duplex lot or a single family with a detached ADU. Mr. Maynard said he tried to spell out which lots could be duplex lots on the plan. Mr. Cote asked what the square footage would be on the ADU. Mr. Maynard said it would be under 1,000 s/f. Mr. Thomas asked what the water source would be. Mr. Maynard said there will be on site wells and mentioned he had done some lots on Patriot and there were no issues. He said there is an existing well on the lot that services the detached building and there is more than ample water there. Mr. Maynard said he feels that there will be ample water in this area. Mr. Thomas asked if there are any historical structures there now. Mr. Maynard said this was an old farm field and there really is nothing left there. They did test pits on the land and some of the loam has been decreased over time. He submitted this to historical because this required a notice of intent with the feds when the road work is done. He said it had come back clear from historical. Mr. Bergeron asked what the interplay with our building envelopes is and the 4000K areas that are shown. He asked what the intent is to produce a lot shape and what are they trying to establish for good zoning and lot development practices. Mr. Doherty said it's in the regulations. Ms. Beauregard said that is in the land development regulations. Mr. Maynard said his understanding is to show you have enough area outside setbacks to construct a house. He said the 4k is a state rule. Usually the house, septic and well radius all end up all within the rectangle. Mr. Montbleau said that is to give an approximate so the house can fit on the lot. Ms. Beauregard said that the land use regulations say that the 4K area should be situated within or immediately adjacent to the building envelope, so the fact that he has it in there, he is following the regulations. Mr. Doherty opened it up to the public. No one spoke.

MOTION: (Mr. Bergeron/Mr. Montbleau) To accept wavier 203-1 A for consideration. Lot lines substantially perpendicular to the street. They are proposing the two common lot lines in the cul-de-sac

for lots 6-183-3, 6-183-4 and 6-183 not to be perpendicular to the street right of way. This lot lines as shown allow the lots to keep a more rectangular shape.

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

Mr. Bergeron asked about the angles and lot lines for 183-5 and asked about the pond being maintained by the Town of Pelham and said there will need to be easement language for that pond. Mr. Maynard said he tried keeping the lines parallel to the pond. He said there will be an access road across the top of the pond so the town can maintain it. Mr. Bergeron would like Mr. Keach to focus on these details. Mr. Maynard showed the board the area for the special permit being requested. Mr. Maynard has already scheduled a meeting with the conservation commission for them to review that.

MOTION: (Mr. Montbleau/Mr. Cote) To accept waiver 202-3 C.3.b. 4 for consideration – site specific soil mapping. He is providing this for the easterly portion of the lot containing the extension of Cornstalk Lane and the seven lots off from it.

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

Mr. Doherty said at this point we need to wait to hear back from Mr. Keach and the conservation committee. Mr. Maynard said he can come back to this board by the end of January. Ms. Beauregard said there are meetings on January 20 or February 7. Mr. Maynard said he will try for January 20.

Case PL2021-00032 – Map(s) 10 & 11 Lot(s) 13-2-1 & 13-3 – Magiera, Donald F. / Petersen Built Homes, LLC – Bridge Street (Rt. 38)

Mr. Montbleau recused himself from this case. Mr. Doherty said the voting will be a six-member vote. Ms. Masse-Quinn read the abutters. Mr. Joe Maynard from Benchmark, LLC introduced himself representing Mr. Magiera and Peterson Built Homes. This is for two pieces of property (Lot 13-2-1, which is 31.3 acres and Lot 13-3, which is 6.2 acres) for a total combined area of 37.5 acres which is zoned residential. This has already been before the board and was deemed not to be desirable for conservation purposes. They've already applied for a variance for two duplex lots with limited frontage on the new road. There will be a new road, about 2,000 feet in length, coming off of Rt. 38. The plan is for 19 new lots on the new road. There will be two detention ponds with this subdivision. There are two waivers associated with this, Section 203-1, B.2, which is to allow a portion of the building blocks for lots 3 and 19 to be in the setback and Section 203-1, B.4, for the well radius to be completely on the property. There are a couple of lots with overlapping. Section 203-5, B.3 for pipe cover. The way this road is, there is a negative pitch at the beginning, so they need some catch basins there. This waiver is to allow the pipe under the road to be less than the required three feet under the ordinance. They need a special permit for the following four areas; the first is on the right side of the road, about 2,500 s/f for the treatment swale. The second is the detention pond grading, on lots 18 and 19, which the fill on the backside of the WCD will need an encroachment. The third and fourth is near the cul-de-sac associated with the other detention pond, lots 12 and 13. The pond is outside of the WCD, but the grading is in it.

MOTION: (Mr. Cote/Mr. Bilapka) To accept this plan for consideration.

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

Mr. Doherty asked about the WCD impacts. Mr. Maynard said there are four areas, one at the beginning of the road for the catch basins. These will be out of the WCD, but the grades associated with the swales will have a WCD encroachment of approximately 2,500 s/f. The second falls off the back side of the detention pond, on lots 18 and 19. The grading will have an encroachment on the WCD. The last two are on the detention pond at the end, on lots 12 and 13. There is 3,900 s/f impact with the grading on the

back side of the pond. Mr. Cote asked about the shared driveway for lots 1 and 2 and he saw no access to Rt. 38 for these. Mr. Maynard said they were granted a variance to be able to have a shared driveway off of the new road. Mr. Cote verified that there will only be access to these lots from this new road. Mr. Doherty opened it up to the public. John McCullough, 28 Koper Lane, Pelham introduced himself. He asked if there has been a conservation report filed on the WCD at this point. Mr. Maynard said that he doesn't file a report with them but discussed that with them in a meeting. Nancy Rendall, the wetlands scientist had delineated and located the wetland impacts and she also did the soils on the property. There has been an application to discuss the special permit requests. Mr. McCullough asked if the conservation commission would be filing a report for the special permit for a WCD. Mr. Doherty said they would have to be involved, but they would be notified and will provide written comment. Mr. McCullough then asked if there would be a study regarding water sourcing for these lots and how that would impact the abutters water sourcing. Mr. Doherty said there would not be a study done. Mr. McCullough asked how this would impact the neighborhoods. He asked if there's an aquifer there and whether there is adequate water there. Ms. Beauregard said that each lot would have to show a report with sustainable yield before they are issued a building permit. Mr. McCullough said it is possible to see how it will affect the abutters regarding water and they can look into the geo information. Mr. Bergeron said he can relate to his concern and that he thought Mr. Maynard in his engineering will ensure that no water will be taken away from any neighbors. It will all come from within the subdivision and will hopefully regenerate its aquifer. Mr. McCullough asked if there was information from the NH water board. Mr. Bergeron said unfortunately there is not, and they won't answer those questions, nor make any rules on that. Mr. Maynard said under alteration and terrain rules about 3-4 years ago, two-year storms can keep water in our ponds and recharge the ground water in those areas. Small storms go to these ponds and recharge the aquifer. He said that they also look into community water supplies and there is one in Salem next to this property. As part of his design, he has to meet a regulatory requirement for this development. He is not using a community water supply for this development, as it is a smaller subdivision. These houses will all have their own wells on the lots. Mr. Paul Yeaman, of 18 Koper Lane introduced himself. He asked about the infiltration pond number two, located north of the cul-de-sac. He asked what extent will be taken to ensure this pond does not drain into and further expand the size of the wetlands downstream from it. Mr. Maynard said that wetlands downstream is very expansive and flows into Methuen, MA. The ponds are made to retain water on this property and release it at a slower rate and they aren't allowed to discharge it at a higher rate. This will fall under the town and state of NH to review all of the calculations to ensure nothing detrimental will occur from this project. Mr. Maynard confirmed that the ponds are designed to capture the water, and this will be released at a rate not greater than it should be. Mr. Yeaman's concern is the expansion of the wetland behind his property. He thinks the engineering, if done correctly should help this issue. Mr. Doherty closed it to the public.

MOTION: (Mr. Cote/Mr. Bilapka) To accept the waiver for consideration. Section 203-1, B.2 Building Envelope Requirement

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

MOTION: (Mr. Cote/ Mr. Bilapka) To accept the waiver for consideration. Section 203-1, B.4 On Site Water Supply Requirements

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

MOTION: (Mr. Cote/Ms. Masse-Quinn) To accept the waiver for consideration. Section 203-5, B.3 Minimum Storm Water Pipe Cover

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

The board agreed to wait until Mr. Keach reviewed the plan. Mr. Maynard will send it to Mr. Keach to review and come back to the board hopefully on January 20. Mr. Bergeron wanted to make sure Mr. Keach will be able to review all of this information by that time. Mr. Maynard would be willing to ask for an extension, should it not be done on time. Ms. Beauregard recommended and offered to schedule a time to meet with the highway safety committee for the shared driveway and road name. Mr. Bergeron asked if he had made any progress with NH DOT. Mr. Maynard said he had submitted it and had not heard back yet. He mentioned there is 400 feet in each direction and also said there is some brush that needs to be cut, but it will be cleared.

Case PL2021-00033 – Map 41 Lot 6-148 – Ouellette, Lance – 24 Cardinal Drive

Mr. Lance Ouellette introduced himself and said he owns the A Handy Company in Pelham since 2004. He was renting on 139A Main Street in Pelham but bought this new land in 2019. He bought this parcel, which was previously a farm. The land on this road now has some homes on it. He was hired to maintain these house lots for the past six years. He now wants to keep his business here with his equipment and move completely out of 139A Main Street. He is not planning on building anything, and it will only be used for staging of his equipment. His only abutters are a residential family in MA next to him, a wooded parcel owned by the Daigle family, P.J. Keating Company and he owns the narrow lot to the Dracut line. Ms. Masse-Quinn read the abutters.

MOTION: (Mr. Cote/Mr. Montbleau) To accept this plan for consideration.

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

Mr. Doherty said he has driven by this site. Mr. Montbleau asked if he had done some excavation or leveling. Mr. Ouellette said he has been in the process of grading the lot. There was a lot of shale on this lot, so he has been leveling it off and he did this for drainage purposes. Mr. Ouellette had some documents from the NRPC showing the current wetlands map. Mr. Doherty mentioned that he has driven by this lot especially in the rain and said it looked good for drainage and commented that it is always maintained clean and tidy. Mr. Ouellette said he had never had any complaints during the entire time he was at 139A Main Street. He thinks this new lot is a great fit for his company. He showed the board a rendering of a plot plan. Mr. Doherty asked what the units mean on the plan. Ms. Beauregard said those units were part of a previously approved variance when the last owner owned the site. That plan never went forward and was from 2016. Mr. Ouellette is not going to do anything from that old plan. He just wanted to show progression of the lot and what was previously approved. There was a variance for the lack of frontage. Mr. Ouellette said he proposed to buy some of the Daigle family's land, but they did not accept his offer at that time. He said he tried his best to make this a conforming lot. He showed a drawing of the lot with some buildings, his equipment and firewood on it. He said the lot is 28 feet wide and he has a double gate. He showed where the mulch and trailers would be stored and an area for parking. Mr. Doherty asked if he is putting any permanent buildings and Mr. Ouellette said no, he was not. He said he has five shipping containers on the site. These containers are moved onto work sites then moved back onto his site. He puts his equipment in those containers. He has also detailed the lights on this property, and he keeps them on from dusk until dawn. He said back in the 1980's there was electric power from Granite State, but the poles were removed. He called to have power on this lot but was told he had to pay for it. Liberty told him he had to pay \$25,000.00 for this, which he did. He wanted to have electricity hooked up to a trailer on this property, but Liberty said because it was a portable unit, they couldn't do that. They said it had to either be a pedestal utility or a telephone pole and he chose the pole. He also uses power to plug in his diesel trucks. He had his electrician go to the town to apply for a permit to bring the power from the pole to the storage container. He mentioned he did the same thing at where he rented at 139A Main Street. He said that the town denied the permit because it was not a compliant structure. He said that the town called the unit a shed. Mr. Ouellette said it is made out of all steel. Ms. Beauregard said it was similar to a shed in the fact that it would be required to meet set back

requirements. She said that this is separate from this board. She said it is waiting to be hooked up and it is wired to a permanent service. She said it required a building permit and it needed to meet setback requirements. Mr. Doherty said if it was moveable then it would have to be set up with a pinion connection like in the circus with an SO cord. Mr. Ouellette said he was allowed to pull a permit on it, and they ran power to it. He explained that it is moveable, and the power is now removed at this point. He said he uses these containers for his business, but they are not made to house their things. He also mentioned that he rents this unit and doesn't own it. Mr. Doherty mentioned that some of these items are not applicable to this board. Ms. Beauregard said she referred to legal before coming to the conclusion that it was a large enough unit to have to meet set back requirements. She said they can still act on the site plan contingent upon him getting that straightened out with the zoning board. Mr. Ouellette read an email from a Ryan, who is the lead engineer from Liberty electric. It stated they do not allow services mounted to portable structures and permanent service to the site will require customer service owned pole or a pedestal. Mr. Doherty asked where the mulch storage containers are. Mr. Ouellette showed his drawing to the board and described where he will store his materials. He also mentioned there will be a firewood pile for wood, after he cuts it, which he will then sell to customers. There will also be an open area for turn around room. He's not sure exactly where the parking will be at this time. Mr. Doherty opened it up to the public. Mr. Darwin Bun, of 600 Coburn Avenue in Dracut, MA introduced himself. He is the direct abutter and said he is okay with this business and is happy that he left the trees along the lot lines. He has no objectives to this business at all. Mr. Ouellette said they have an agreement and that he offered to help plant some arborvitaes along the lot lines for him. They agreed they did not want a fence installed. Mr. Bergeron asked about the pitches on the property showing the state line monument and asked which house the abutter lived in. Mr. Doherty closed it to the public. Ms. Beauregard said the planning department will deal with the other issues, but the board can move forward with the other parts of the plan. Mr. Ouellette said he wanted to put the current plot plan up for the record, where he was on 139A Main Street. He said he won't have a salt bin at this new location. Ms. Beauregard recommended that his hours of operation should be a condition for approval. She said he has his hours as Monday through Saturday from 6AM-8PM and Sunday by emergency operations only. Winter hours he is hoping to remain the same as currently approved by the town, which are from November 1 to May 1. Mr. Ouellette said he is proposing changes, which are Monday through Friday 6AM-9PM. Mostly during the summer when they are cutting lawns late, they need to go until 9PM. Saturdays 7AM-4PM and Sunday's hours are for emergency only. During the winter it needs to be variable. Mr. Montbleau would like to make a contingency for if and when he gets into the firewood business, that the hours for wood splitting and cutting would be from 8AM-5PM. Mr. Ouellette would be okay with that and even said he would agree to Monday through Friday with no weekends for wood cutting.

MOTION: (Mr. Montbleau/Mr. Cote) To approve the plan with the conditions mentioned by Ms. Beauregard. Mr. Doherty said with a letter of intent from the applicant.

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

Mr. Ouellette submitted a written letter from Darwin Bun stating his acceptance of this business.

The board took a ten-minute break.

Discussion of potential changes to the Zoning ordinance

Mr. Doherty said that Ms. Beauregard gave everyone a copy of redlined changes that were made in conjunction with Attorney Ratigan. Mr. Doherty read changes outlined in green to the board. He looked at Table 1 of permitted uses on page 12 of the zoning ordinance, per Ms. Beauregard. The suggestion was to add 'CPU' under the table. Ms. Beauregard said everyone's pages may be different because of adding and removing items. Mr. Doherty passed out suggested changes on three papers, page 7, 8 and 12. On page 7, he made blue notes, such as, that is not enough land to properly buffer the development from abutters if it were to be in a residential district. He thought they should keep the minimum lot size for

workhouse developments at 435,600 s/f, which is the ten acres in the residential district only. But then in the B1-5, he would change that to have at least a minimum of two-acres. They don't want to make it look like they don't want these developments. He said they could move the 10-acre requirement to page 8, which shows additional requirements. He said it should be just as stringent to build workforce housing as it is to build single-family homes. He said if this passed, then they can put something in the subdivision regulations that stipulates they would have to regulate having natural buffers on some sides. Ms. Masse-Quinn said she liked that it would give the board more control and we would be more compliant with the statute. She felt it offered more privacy and would help to maintain the character of our town. Ms. Beauregard said she liked his idea as well, but our town currently allows multi-family dwellings in three acres and asked if he intentionally wanted to go down to two-acres for the workforce housing in commercial. Mr. Doherty said doing his math, it made sense to have it on less than three acres, therefore saying a two-acre lot. He said you could potentially get a five, two-bedroom building on a two acre or more lot. He said now a single-family house with four bedrooms needs a one-acre lot. He also said this would be in the business district only, the B1-5. Mr. Lynde was wondering about the existing housing now on the small lots and are they considered workforce housing. Mr. Doherty said that they aren't really discussing that. Mr. Lynde said that there are small lots now that are affordable that should meet the criteria for workforce housing. Mr. Doherty agreed and said that we are just trying to meet the RSA's and try to make it, so the town doesn't get sued. He mentioned there is one case now which is in the business district. We need to ensure the words workforce housing are in our zoning in order to be compliant. Mr. Bergeron wanted to know what the board thought of Mr. Doherty's math. Mr. Thomas asked Mr. Doherty to explain his numbers again. Mr. Doherty said, per Table 1, that one-acre with a four-bedroom house has to be on one acre, a two-family needs two acres and a three-family needs three acres and they don't allow three-unit buildings in the residential district. He said that back in the 1950's it was roughly 10,000 s/f per bedroom. He said that right now in the business district, a multi-family house can be built. He wants to make sure the board has the proper wording to try and prevent lawsuits against the town. Regarding the 'CUP' on page 12, this was previously discussed, he said that is where they would have innovative land use control over these developments. This gives the board more control and makes it more restrictive in a residential development. He said the subcommittee did a great job with all the ideas and changes that were made. He said that all the restrictions on page 8, should also apply to workforce housing development. Mr. Bergeron asked how many bedrooms you could get on a ten-acre lot for workforce housing. Mr. Doherty said 40 bedrooms. Mr. Bergeron said the statute says at least 50% has to contain two bedrooms, so it would get very big if they took it out to the limit. He is looking at the unintended consequences of what they are proposing. He also mentioned there is a numerical side to this as well as the unit size. Mr. Bilapka said it calls for two-bedroom and Mr. Bergeron said that it has to be at least 50% for two-bedrooms. Ms. Masse-Quinn said for housing developments that exclude minor children for more than 20% of the units, or in which, more than 50% of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of that subdivision. Mr. Bergeron said the rest of the unit could be single bedrooms. Ms. Masse-Quinn said that if they proposed a 60-unit workforce housing they can only give 50% or even 20 of those units would be the minimum. So those fewer units would not be workforce housing. Mr. Montbleau asked if they could deny them. Mr. Bergeron said that's the entire project and they could, down to that minimum. He said other towns are holding them to an acre. Mr. Montbleau suggested they request advise from Nashua Regional planning for this dilemma, possibly a phone call. Mr. Bergeron said we are close to having draft language. Ms. Beauregard said the problem is that the first public hearing is the next meeting, and the language needs to be finalized by the 9th and the notice needs to be published. Mr. Doherty said at this point they are not going to get anything on the ballot. Mr. Bergeron said most of the research had been done by Ms. Masse-Quinn. Mr. Bilapka said it is still under innovative land use, so the board still has the choice for every different case. He said we need to have something on the ballot, and this will show the taxpayers we are trying to prevent lawsuits. Ms. Masse-Quinn said the original intent when they started the subcommittee was to put the wording in there because it wasn't there, and we need to be protected. She liked the changes that the Chair presented, especially in the residential areas with the buffers and privacy. She also

researched what a developer needs to present to a board and found that they are also subject to the statutes. She mentioned a previous case that came up on the board. She said they also need to report back to the state of these units and make sure they are complying with the statutes. She thought that they will have more tools and more control over what is being brought to our town. Mr. Lynde asked if the chair would accept a motion to approve all of these changes. Mr. Doherty said the board proposed to change Table 1 and he wasn't comfortable with those changes. He wanted to make sure it was separated from the business and residential districts and thought the best way was to leave it at 10 acres on Table 1 and make it so it refers to the residential district. He also said to make a notation at the bottom to say 'workforce housing developments in the B1-5 districts' next to the triple asterisks. By doing this, it eliminates changes to Table 2. He said to stay with the triple asterisks and it should read 'Workforce housing developments must have at least 130,680 s/f in the business 1-5 district.' On page 8, it must be added that 'Every new workforce housing in the residential district shall contain 217,800 continuous square feet of non-wetland'. They want everything on page 8 to apply to a workforce housing because it's going to be in the residential district. They also already agreed to do this by CPU, so it is innovative land use. Ms. Beauregard said that it makes perfect sense and Ms. Masse-Quinn agreed as well. Mr. Montbleau felt that this would solve it and he is comfortable with the wording. Mr. Bergeron agreed and felt that this was a good first step. Mr. Montbleau wanted to make a motion to accept the changes and move forward. Mr. Bergeron said ultimately it will go on the ballot and the voters will decide. Mr. Doherty asked if Ms. Beauregard can make the corrections all in red with tonight's discussion. He said Ms. Kirkpatrick and Mr. Cote will want to see it in clean writing. He said it is going to make it all more restrictive and give more protection. Ms. Beauregard said once it is all together, she will advertise it on the 9th for public hearing on the 20th and will give everyone a final copy. That day if there are no more changes, then that could be the one and only public hearing. If any changes come about then a second hearing would be needed. Mr. Doherty said legally we have to do this per the RSA's. He said the only other option was to do a stand-alone ordinance and they didn't want to do that. Ms. Beauregard mentioned the conditional use permit section for the accessory dwelling units and asked if everyone was comfortable with those changes. The Attorney felt that in Article 12, to say 'conditional use permits' instead of 'special exceptions'. It is now all in one section and put everyone's goals in one place. Mr. Montbleau thought it was fine and Ms. Masse-Quinn agreed too.

Master Plan update (Mr. Thomas)

Mr. Thomas gave an overview of the master plan and how it is moving forward. Resilience was approved back in August. In early September, the Board of Selectman approved them as well as the Budget Committee. It won't be a warrant article. In October, Ms. Beauregard put together a press release announcing it and asked for applicants. There was a first target date on November 30, but since they aren't taking this until March, they decided to extend that because they've only received six applications. They've extended the application deadline to January 14, 2022. He said himself, Ms. Beauregard and Ms. Masse-Quinn had a meeting on November 5th with Resilience and discussed how they were structuring their plan. They will have a plan as to how they will meet all the elements of what we expect, and they will come and meet in person in February. Key dates for this board are, January 14 to have all applications in. By the end of January they will be able to recommend the members from this board. Based on that they came up with was an outreach program, which is a presentation of what the master plan is and to create awareness and instill applicants for this committee. There are three meeting for this month and includes a presentation. In the next two months they are going to be meeting with boards and commissions and eventually the public. They will ask for an open house as well. They've sat down with the agricultural commission already and discussed the details of the master plan. They have meetings scheduled with conservation and with the forestry committee. Ms. Masse-Quinn said the meetings are December 2nd with AG, December 8th with conservation, forestry on December 27th. They put out a request to the Board of Selectman and is awaiting a response. They sent out a request out to the ZBA, although this might be set up differently. They sent out a request to the school board and waiting for a reply for a January meeting. There is an appointment for January 10, 2022, with the Hobbs Center. They

will reach out the VFW, American Legion, transfer station, parks and recreation, library, police and animal control, Crossroads and the planning board. Mr. Thomas said they are in revision four of the presentation and will offer it at the next meeting. They want to educate everyone as to what will happen so everyone is aware. He asked the board to consider having more than three members from the planning board on this committee. He also asked them to consider having the board make Ms. Masse-Quinn the vice-chair of the master plan committee, as she has done a tremendous amount of work.

MOTION: (Mr. Montbleau/Mr. Thomas) To make Ms. Masse-Quinn the vice-chair of the master plan committee.

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

Mr. Montbleau asked how many members they are looking to have. Mr. Thomas said between 10-15. The meetings will be public, so others can come in as guests. Mr. Montbleau recommended that 10-12 is a good amount. Mr. Thomas said one thing that came out of the agricultural committee was to give them feedback. Ms. Masse-Quinn said this is a community document, so they really need their voices to help with this. Mr. Thomas said they have good dynamics going on now and he will set up the presentation. The board needs to decide if they will vote on and allow more than three people on the committee, as the regulations now say only three are allowed. The members now are Mr. Montbleau, Mr. Thomas, Ms. Masse-Quinn and Mr. Bergeron.

MOTION: (Ms. Masse-Quinn/Mr. Thomas) To allow more than three members of the planning board to be on the master plan sub-committee.

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

ADJOURN:

MOTON: (Mr. Montbleau/Ms. Masse-Quinn) To adjourn the meeting.

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

The meeting was adjourned at approximately 11:06 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary