

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES**

February 7, 2022

Chairman Tim Doherty called the meeting to order at approximately 7:06 PM.

Ms. Masse-Quinn called the roll:

PRESENT ROLL CALL:

Tim Doherty – present
Roger Montbleau – present
Danielle Masse-Quinn – present
Cindy Kirkpatrick – present
Sam Thomas - present
Scott Sawtelle - present
Kevin Cote – present
Hal Lynde - present
James Bergeron – present
Jennifer Beauregard – present
Jennifer Castles - present

ABSENT/

NOT PARTICIPATING:

John Spottiswood

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Regarding the January 3, 2022, meeting minutes; Mr. Thomas said on Lines 280 and 281 to remove ‘they have a signed contract’ and say that ‘it will be signed after the town vote’ because it is not signed at this time. Mr. Lynde said on Line 73, to put a period after the word tonight. Line 85, change the word ‘they’ to ‘the’. Line 158 change the word ‘complaint’ to ‘compliance’. Line 215 to change ‘identifies’ to ‘identify’. Ms. Masse-Quinn said on Line 53 to change RSA 67:3-7 to RSA 675:3-7.

MOTION: (Mr. Montbleau/Ms. Masse-Quinn) To approve the minutes of January 3, 2022, as amended.

VOTE: (5-0-2) The motion carried.
Ms. Kirkpatrick and Mr. Culbert abstained.

Regarding the January 20, 2022, meeting minutes; Mr. Lynde said on Line 82 to change ‘they’ to ‘the’. Line 136 to change ‘Ms.’ to ‘Mr.’ Line 300 to spell out the definition of the ‘ARM’ acronym.

MOTION: (Mr. Montbleau/Mr. Lynde) To approve the January 20, 2022, meeting minutes as amended.

VOTE: (4-0-3) The motion carried.
Ms. Kirkpatrick, Mr. Montbleau and Ms. Masse-Quinn abstained.

OLD BUSINESS

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) – To permit the merger of 2 lots for a total of 37.5 acres and then to subdivide into 19 buildable lots consisting of 2 duplexes and 17 single-family dwellings. Also, seeking a Special Permit to permit 18,000 sq. ft. WCD impact for drainage pipe outlet for a conventional subdivision.

Mr. Montbleau recused himself from this case and Mr. Doherty appointed Mr. Bilapka to vote in his place. Mr. Doherty said that Mr. Lynde will vote as a Selectmen's representative until Mr. Cote joins the meeting. Mr. Joseph Maynard introduced himself with Benchmark, LLC on behalf of Mr. Magiera and Petersen Built Homes. He said this plan consists of two pieces of land being merged together and then re-subdivided into a 19-lot subdivision. This has already been before the board a number of times and they've already received a variance approval to have the two duplex lots come in off of a right-of-way road. He said Mr. Keach indicated another waiver would be needed due to the 50-foot width ordinance, as there is only a 30-foot width associated with that access road for the two duplex lots. There are three proposed drainage locations. There are some waivers as part of the application, the first one is for the building box on four of the lots (3, 12, 13 and 19). The next waiver is for two places where the well radius overlaps either another well or an adjacent lot. There is a waiver for a minimum pipe cover and Mr. Keach asked for a few things to be done. Mr. Maynard said he completed those and there is a letter in the file from Mr. Keach in support of what he had done. The last waiver is for the 30-foot width for the right-of-way into the duplex lots (from the required 50 feet). Mr. Keach's last memo was February 1, 2022, and he had made some small comments referring to the waiver requests that needed to be acted upon. He talked about the WCD impacts and that he would like a deed restriction put onto the two duplex lots that have their frontage on Bridge Street. He would like that to be a no-cut buffer and he would also like a deed restriction saying no access out to that road would ever be granted off of those lots. Mr. Maynard said he is in agreement with that. He said one question came up with the no cut buffer in regard to an utility pole in front of those lots that they would like to use for power. He said there were some issues with the lot numbering, so he would contact Ms. Snide regarding that. He said to check some of the flows at the catch basins and that would be done. Mr. Doherty asked Ms. Beauregard to make a note of the request for the allowance on the no-cut zone, in regard to the utility pole. Mr. Culbert asked how many waivers were being asked for. Mr. Maynard said there are four waivers but there are different locations assigned to them. He said there are four lots assigned to the waiver for the building envelopes. There are seven lots assigned for the well radius waiver. There are two locations relating to the storm pipe cover waiver. There is only one for the right-of-way waiver to access the two duplex lots. Mr. Culbert asked if there were really 14 waivers and Mr. Maynard agreed.

Ms. Masse-Quinn asked about this new plan adding four new single-family or duplex homes and is this a total of six duplexes now. Mr. Maynard said he had a discussion with Ms. Beauregard and said that there are a total of seven lots that qualify for duplexes. He said the way the ordinances work in Pelham, that there are a total of seven lots that qualify for this type of structure. The lots are 1, 2, 12, 13, 14, 15 and 17 that meet the duplex lot requirements. Ms. Masse-Quinn asked if the road was moved down, and Mr. Maynard said no.

Mr. Bergeron said that waiver for the 30-foot width was addressed at the board of adjustment to make for a safer option for those lots and he had no problem with that waiver. He asked where the first pipe would be. Mr. Maynard said it is 26 inches of cover and due to it being at a negative pitch to Route 38, DOT has requirements for this. Mr. Keach had him add a detail as part of the plan to insulate the pipe on the top and sides, as part of the construction. He said it is a 15-inch pipe and this can be found on sheet 9. Mr. Bergeron said the waivers he found problematic were for the building envelopes and the well radius. He said it is a violation of the spirit and intent of the 15,000 s/f area and he said lot 12 has a peculiar shape.

Mr. Maynard said that was due to making the detention pond out of the WCD buffer as much as possible. This application has less impact for the WCD. He said the remainder of the requests have been on the plan since the beginning. Mr. Maynard said the building envelopes are shown on sheets 3-5. Mr. Doherty said that on lot 12 the 4K is in the same spot as the building envelope. Mr. Maynard said that shouldn't be an issue from a construction standpoint. He said typically a 4K does fall within the 15,000 s/f area required by the town. He said lots 3, 12, 13 and 19 are the lots that have the encroachment. Mr. Culbert said he is in agreement with Mr. Bergeron and said that all plans should come in as clean as possible, and this plan doesn't seem to be doing that. Mr. Bergeron said this originally came in as an open space subdivision and then they opted for a conventional. He also said originally they were only asking for 2 duplex lots and now this new plan is asking for lots 12, 13, 14, 15 and 17 to possibly be duplex lots along with lots 1 and 2. He thought that this plan could be adapted to have no waivers needed and he is not going to be in favor of the building envelope waivers at all. Mr. Maynard said that during the previous meetings, there never seemed to be an issue for what the encroachments were for those lots. Mr. Bergeron said they accepted those for consideration and then they heard what Mr. Keach recommended. Mr. Maynard said that he had asked these questions during all of the previous meetings and there were never any issues. He said he presented and asked for all of this upfront, so that it wouldn't come to this stage. Mr. Bergeron asked if he saw his prospective. Mr. Maynard said he is confused and in the past; the board had even made him re-notice for a different plan even though it met the rule, but the notice did not go out as a duplex rule. He said on the other side of this, is that he got clarification from Ms. Beauregard that the calculations on consideration for which lots could be duplex lots. There was still some review needed with what the ordinances say for what the calculations are regarding the 55,000 s/f that is usable for a duplex lot. He said it is not as if the entire lots are in that buffer. Mr. Bergeron said he should bring the plans in from the beginning with duplex lot requests and not ask for waivers later on and the board can't deny him that. He said some of these waivers affect public health matters and doesn't see why he needs 14 waivers and doesn't think it is a reasonable request. Ms. Masse-Quinn asked if lots 6, 7, 8, 9, 10, 13 and 19 would be affected by the well radius request and she is in agreement with what Mr. Bergeron had stated. Mr. Bergeron said that can be found on the letter from Benchmark Engineering, LLC dated November 12, 2021, Waiver #2. Mr. Maynard confirmed those are correct.

Mr. Jim Petersen, the developer, spoke and said that when they originally came in, they had the two duplex lots. He said that the board told him that if he puts the driveway to those duplex lots off of the main road, then the board would be willing to oversee that some of the lots aren't perfectly square. He said now it seems like it's a concern. Mr. Bergeron said they can go back to the tapes, but what he did say was that he asked the board for a consensus to bring to the board of adjustment. He is a crossover member and he spoke in favor of giving him the variance. Mr. Bergeron said he never said he would agree to the irregular shaped lots or the well radius. He said they then changed the original plan and are now asking for five more duplex lots. Mr. Petersen said that Mr. Bergeron did say that he could overlook the odd shaped lots if they could get the driveway not on Route 38. Mr. Petersen said he was positive that he said that. Mr. Petersen said he has done many developments in this town and that in the beginning most plans come in saying single-family homes and the board is fine with that. He said that when it comes to the subdivision, if there are lots over 2 acres, he would apply for a duplex, and has the right to do that. He said Mr. Maynard drew that out for this board to be very clear and really anything over 2 acres can be a duplex. Mr. Bergeron said originally, he was looking for 21 housing lots. Mr. Petersen said that was for the open space development. Mr. Bergeron said now he is up to 26 and some lots require waivers now. He said he better find a way to get these lots to work and to not need all of these waiver requests. Mr. Petersen said originally it was 17 single family houses and then the open space subdivision was turned down, so they had to add another 700 feet of road and the lots went to bigger lots. He said to try and make up for the fact of adding more road, he would build more duplex lots. Mr. Cote mentioned he can still go the conservation route and not build the duplexes on lots 1 and 2. He said he doesn't know why adding a couple hundred feet is going to make or break this project. Mr. Petersen said it is 700 feet of road, plus 700 feet of driveway for the front duplex lots, so that is 1,400 feet additional in total of road and /or driveway. Mr. Cote said the last time this plan came in there were no mention of

more duplexes. Mr. Maynard said after the conservation plan got denied then they stated duplexes, at the very first plan. Mr. Cote said on lots 14 and 15, regarding the boundary between them, why is there an extra angle there. And why is there an angle between lots 16 and 17. He asked Mr. Maynard if he could finagle those angles better.

Mr. Maynard said when he designs the lots, the first thing he looks at is frontage and building envelope area and he tries to avoid any wetlands and existing points along those lines. He said on lots 14 and 15, the lot lines goes to an iron pipe found, so he has to put an angle point at the CO buffer and that makes the point be able to be found. He can't always run the lines straight due to factors on the lots. He said there are iron pipes, drill holes and iron rods found. He tries to use points and take wetlands in consideration, and he can't recreate lot lines and all of this has to be monumentalized. Mr. Cote asked about the middle where it says 181.82 and that's where it angles between the two lots. Mr. Maynard said that is at the CO buffer and there will be a pin there. Mr. Cote asked if the pin could go to the left more so there is a straight line. Mr. Maynard said it could possibly, but the ordinance says lot lines need to be substantially perpendicular radial. Mr. Cote said to Mr. Bergeron's point that there are a lot of lots that could've been straight on and he doesn't think there was a concerted effort to make these lots straight and rectangular as possible. Mr. Bergeron asked about the iron pipe and was that the point put in for Map 131, 86-86 and was that his boundary point on that wall. Mr. Maynard said it is an angle point, but it is not the lot corner and there was a monument found. Mr. Bergeron said that he thought Mr. Cote was mentioning making the lines straighter. Mr. Maynard said he had no issue with trying to comply with that. Mr. Bergeron mentioned all of the abutting Koper Lane lots have straight lines. Mr. Maynard said lots 14 and 15 could probably be moved to overlap the detention pond and not need a waiver on those. He said those are the duplex lots but also is hearing that the board has a problem with all of the lots. Mr. Bergeron said again that he doesn't feel that a request of 11 difficult waivers is necessary for a brand new subdivision. Mr. Maynard asked if he had a problem with lots 8, 9 and 10 as well because those lots have well radius that overlap. He said he's created a drainage ditch for those lots. Mr. Bergeron said it should always be the intention of the 4K to stay out of the building envelope as much as possible. He said in a lot of these cases they are in the envelope. He said the road can be a source of contamination. He asked why they should like that. He said they ask for the well radius in order to protect those lots from their own source of pollution. Mr. Maynard said when he looks at well radius, he also looks at wetlands and drainage because a radius has protection when it overlaps a drainage measure or a wetland. He said that provides general protection under the ordinance. Mr. Bergeron said that he thought by removing either lots 8, 9 and 10 that everything would work. Mr. Maynard said he didn't think it would. Mr. Doherty asked about flipping the well radius and the 4K area on lots 6 and 7. He asked if that would give the well radius more room. Mr. Maynard said he could probably take the radius for 6 and overlap that driveway easement so that would offer some protection. He said on lot 7, he could move that up and get the radius out of the street but would have to check the setbacks. Mr. Bergeron said that wouldn't work because of the setbacks. Mr. Maynard said if it was in the rear setback, it may work. Mr. Doherty said it would pull them away from the street if he did that. Mr. Maynard said he can try and do something like that in that area. Mr. Culbert asked when this board began getting involved in designing plans. Mr. Doherty said they don't. Mr. Culbert said they are now. Mr. Bergeron asked to see what the board felt with the waiver requests. Ms. Masse-Quinn said the first three waivers: the building envelope requirement, 203-1 B.4 on site water supply, 203-5 B.3 and at the last meeting 203-1A was added. All four waivers were accepted for consideration. Mr. Doherty didn't think they can act on the individual lots, so it would be up or down on the waivers as they stand. Mr. Culbert requested a clean 14 waivers to be turned into maybe 6. Mr. Doherty said that the storm water pipe covers should not be an issue with anyone. He said the 50-foot requirement wouldn't be an issue either. He said there are issues with the 4 building envelopes, and he asked Mr. Maynard if he can do something with those and cut back on the well radius. Mr. Maynard said lots 3 and 19 would have to be made into irregular shapes and would still need a waiver. He said the envelope on the other two lots is about 100 s/f encroachment because of the detention pond, moving that to meet the WCD buffer. He said he can try and make that a parallelogram to pull that out of it and the last lot 13 has a small encroachment from the detention pond. He could make that an irregular shape but

would then need a waiver due to its shape. Mr. Lynde asked if a plan can be presented with no waivers and see what that does for them and for us. He also said there shows no open space in this development for any place for kids to play. Mr. Doherty said that no one is happy with all of the waivers.

Mr. Maynard said when a project gets developed there are guidelines he follows and he tries to make developments better and therefore needs to ask for waivers. If he starts tweaking this so he doesn't need waivers, it will impact the look of the development. He can talk to his client to see if any lot lines can be moved and try and eliminate some of the waivers. Mr. Cote asked about the road by Route 38 and what is the black dot in the center and asked if the road can enter there. Mr. Maynard said that is in the middle of a wetland.

Mr. Doherty opened it up to the public. No one spoke.

Mr. Bergeron said he needs to be specific if the house is going to be a duplex or not because he is concerned with the sewage load. He also said they would limit it to two bedrooms on each side. Mr. Maynard asked if it would matter if it was a three and a two bedroom. Mr. Bergeron said if he went to five it would need 100 feet. Mr. Maynard said if he went to six it is 100 feet and he said that DES looks at a three-bedroom house is 450 gallons. Mr. Maynard said if he stays under 750 gallons a day, the radius stays a 75-foot radius. If it goes over that, then it goes to 100-foot radius. He also said he does this all the time. Mr. Bergeron cautioned him to be very careful with his sizes. Ms. Masse-Quinn said the next meeting is February 24, 2022, and then March 7, 2022. Mr. Maynard said he is already coming on February 24 and can try and get this case back in by that date as well. Ms. Beauregard said that would be fine and asked if they wanted Mr. Keach to look at this plan again. Mr. Culbert said yes. Mr. Cote asked if the board had any other recommendations at this time, so as to not have Mr. Maynard come back more times than needed.

MOTION: (Mr. Cote/Mr. Culbert) To approve waiver #3, Section 203-5 B3, minimum storm water pipe cover.

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

MOTION: (Mr. Bergeron/Mr. Culbert) To approve the waiver for Section 203-1A, lot requirements, for the 50-foot width being reduced to 30-foot for the driveway easement to the two front lots.

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

Mr. Doherty confirmed that the sticking points with the board are the number of waivers for the well radius and the building envelopes. Mr. Cote mentioned that one of Mr. Keach's comments was for a deed restriction for a 30-foot no cut buffer along lots 1, 2, 3 and 19 and the driveway restrictions on those lots on Bridge or on Young's Crossing. Mr. Maynard said there are three special permit requests, one being at the first culvert, the second at detention pond #1 and the third is at detention pond #2. Mr. Cote asked how much land clearing they are expecting to do. Mr. Maynard said the tree lines are shown on the plans and they try to stick with around the building areas and the drainage measures. That typically extends to about 30 to 40 feet behind a house. He said they are starting to flag tree lines that week and typically they like to leave a buffer along the lot lines. Mr. Cote asked if there were any significant trees that were worth keeping. Mr. Maynard said the property was timbered about 10 years ago and there are only small trees there now, which are nothing substantial to keep at this time.

Ms. Beauregard said conservation had two recommendations on their letter. The first one was that there would only be two lots with duplexes and that would probably not be the case now. The second item was to use a seed mix on the detention pond slopes. She will make a note of those two conditions for the next meeting. Mr. Maynard asked to be continued until February 24, 2022.

Case #PL2021-00031

Map 39 Lots 6-183 & 6-184-1 – CMK Equipment, LLC – Marsh Road/Patriot Drive – Proposed subdivision of a 33.36-acre lot of mixed use residential and business onto an 18-acre lot with the remaining 15 + acres to be used by adding an additional 750’ and ending in a cul-de-sac to existing Cornstalk Lane. Seven new lots with a mix of single-family and duplex dwellings will be created.

Mr. Joseph Maynard introduced himself, with Benchmark, LLC, representing CMK Equipment, LLC. He said this plan has already been before this board. It is two pieces of land merging together to form 33.36 acres. The property has some non-conforming uses and was historically home to F&F Paving. This was going to be a conservation subdivision but is now a conventional subdivision. The land along Marsh and Mammoth Road will be subdivided off with 18-acres and the remaining land will extend to a cul-de-sac to the end of Cornstalk Lane. The road will become a total of 920 feet. They are proposing seven new house lots on this extended road and three lots qualify as duplex lots. They will build a detention pond off the cul-de-sac for drainage. Regarding the abutter’s concerns from 76 Patriot; they will plant trees there to create a buffer to deter car lights shining onto his house.

There is a special permit request for 1,200 s/f in the WCD and the purpose is that the pond is out of the WCD buffer, but they need to be able to remove some dirt so the outlet will drain into the wetland area. He has the following waivers: 1) Lot lines being substantially perpendicular to the street or radial 2) site specific soil mapping. They have done soil mapping for all of the seven new house lots, but the 18 acres with the existing lot, they do not want to have soil mapping for that area.

As part of this application, he is asking for the current home on a single-family lot to be made into an ADU. Mr. Maynard handed out photos of the existing structure. Mr. Doherty asked where the 4K area was on lot 4. Mr. Maynard said that was all sand in that area and the 4K falls under where they have the map and lot # and he said that will be on the final plan. Mr. Bergeron asked if he had a sheet showing driveways. Mr. Maynard said that is on sheet 6 and 7 and they are shown and labeled. Mr. Bergeron asked if lot seven’s driveway would go behind the pond. Mr. Maynard said it would go around the pond and the lot line. He said this lot would fall under shoreline protection due to its location with Beaver Brook and would need their approval. Mr. Cote asked if they do the first 50 feet of the driveway. Mr. Maynard said they do the first 16 feet and have it stubbed to the right-of-way limits per Mr. Keach. That is found on sheet 1, note 18.

Mr. Doherty opened it up to the public. No one spoke.

Mr. Cote about lot 6-183-1 and the abutter’s request for buffering. Mr. Maynard already said that there would be plantings on the side of Cornstalk Lane, shown on sheet 8. Mr. Bergeron said it shows they will plant Spruce and Fir evergreen trees. Mr. Maynard agreed. Mr. Bergeron asked what the total length of the road would be. Mr. Maynard said from the center line of Patriot to the center line of the cul-de-sac is about 950 feet. There is about 300 existing feet now and they will add about 650 feet to it. Mr. Bergeron said he had nice lot lines. Mr. Culbert asked how many duplex lots there were. Mr. Maynard said there are three duplex lots (3, 4 and 6). Ms. Kirkpatrick asked which lot would have the ADU on it. Mr. Maynard said it would be on 6-183-7. Mr. Cote asked about donating land to conservation. Mr. Maynard said at this time his client is not interested in doing that with either one. Mr. Montbleau asked if the ADU building currently has its own septic. Mr. Maynard said yes it does, but there are no records of it. He suggested doing a second septic design for that structure as a contingency plan in case what is there is not acceptable. He said the current septic never saw a lot of use, so it probably is in decent shape and functioning. Mr. Montbleau asked if it had an access cover. Mr. Maynard said it does and there is a septic tank and an associated field with it. He said it had been pumped, the baffles looked to be okay, and he thought it was a 750-gallon tank. He said today’s standard would require a 1250-gallon tank on its own for an ADU. Mr. Montbleau asked what the square footage would be. Mr. Doherty said they are going to be discussing this as a separate case later in this meeting.

Mr. Doherty asked Mr. Maynard to speak about the waiver request for Section 203-1A for Lot lines substantially perpendicular to street (Between lots 6-183-3 and 6-183-4 and 6-183-5). He said that between 6-183-3 and 4, if he was to keep that line at a radial location there is a large wetland complex

that was a gravel pit. When he keeps that line through that it gives those lots protection and that is similar with 183-5 and 183-5. He said that lot line puts it parallel to the detention pond and it would keep the envelope compact and neat at that point. Mr. Bergeron asked if 183-5 had wetlands on it. Mr. Maynard said 5 has no wetlands on it. Mr. Bergeron asked if 49-53-7 was clear. Mr. Maynard said it is all clear and uplands.

MOTION: (Mr. Montbleau/Mr. Bergeron) To approve the waiver for Section 203-1A, Lot Lines Substantially Perpendicular to street.

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

Mr. Doherty asked Mr. Maynard about the second waiver to not do the site-specific soil mapping of the front piece of land. Mr. Maynard said that was correct and they’ve already done the mapping on the rear portion where the new development will go. He said the front is not being touched, so it didn’t make sense to have that tested.

MOTION: (Mr. Monbleau/Mr. Bergeron) To approve the waiver for Section 203-3 C.3.b.4 – Site Specific Soil Mapping.

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

Mr. Doherty said that it seemed he met all of the requirements from Mr. Keach’s notes. Mr. Maynard said yes, that he took care of everything Mr. Keach had. Ms. Beauregard said there was a special permit that needed to be acted on and there was a list of conditions. Mr. Maynard said the special permit deals with the detention pond outlet, shown on sheet 12. He said there is a four-bay infiltration pond design with an outlet overflow device. He was able to keep the entire pond and the culvert out of the WCD buffer. There is an elevation for the pipe and the existing grade is in the 125 range so they need to chop about a foot of elevation out of that 1200 s/f area. By doing this, they can create an outlet for the pond so it can flow freely to the wetland area.

MOTION: (Mr. Montbleau/Mr. Cote) To grant the Special Permit.

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

Ms. Beauregard read off the list of conditions (which go along with Mr. Keach’s suggestions in his memo, dated 2/1/2022);

1. Receipt of NHDES Subdivision Approval & NHDES Shoreland Permit and approval numbers be depicted on the recordable plan.
2. Execution and submission of a Notice of Voluntary Lot Merger.
3. Applicant to provide a performance guarantee, in the amount and form acceptable to the Town of Pelham, to serve as a financial surety for full and final completion of public improvements specified on the final plan in accordance with Section 204-2 of the Land Use Regulations.
4. Applicant to provide escrow funds in an amount estimated by Town Engineer, for costs associated with construction monitoring and inspection services.
5. Receipt of correspondence from Town Engineer acknowledging all comments and recommendations, offered in correspondence dated February 1, 2022, have been satisfactorily addressed.

6. Addition of a note to the final project plans acknowledging waivers granted by the Planning Board.
7. Receipt of correspondence from the Pelham Fire Department acknowledging favorable review of final project plans.
8. Favorable review of draft declaration of covenants, easements, and restrictions, if any, by Town Counsel.
9. WCD Signs to be installed along the Wetland Conservation District.
10. (Can be removed).
11. To afford the public a minimum of 25' right of way to the east of centerline on the previously constructed segment of Cornstalk Lane, a general highway easement be provided over the affected portion of Lot 6-183-1 (based on Mr. Keach's recommendation Page 2/ No. 3 of memo dated 2/1/2022).

Mr. Maynard said he wouldn't typically apply for the shoreline permit until they are ready to build on that lot and Mr. Keach was fine with that.

MOTION: (Mr. Montbleau/Mr. Culbert) To approve the plan with the conditions noted.

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

Mr. Cote asked where in the plans does it say the road will be public or private. Mr. Maynard said it is being plated as a public road, but that is not usually noted on the plans.

Case #PL2022-00001 – Map 39 Lots 6-183 & 6-184-1 – CMK Equipment, LLC – Marsh Road/Cornstalk Lane – Seeking a Conditional Use Permit to allow conversion of an existing garage/office to a detached Accessory Dwelling Unit. The existing garage/office currently sits on Map/Lot 39/6-183 but is proposed to be within new Map/Lot 40/6-183-7 (a single-family home lot) within a subdivision currently before the Planning Board, Case #PL2021-00031.

Ms. Masse-Quinn read the list of abutters. Mr. Joseph Maynard introduced himself, with Benchmark, LLC on behalf of CMK Equipment, LLC to convert the existing garage/office building to an accessory dwelling unit on one of the lots within the proposed development. Mr. Maynard said from a design standpoint and in order to meet DES requirements for an ADU, they need about 350-400 s/f on a pipe and stone design in this soil condition. He said his preference would be to put in a separate system for the ADU because when he tries to get fluid from that building to where the septic would be for the house it would have to be pumped. In this case it makes sense to have its own system. The current system is working fine. He said he will be doing a new septic design for the new house and will do one, as a contingency plan for the ADU.

Mr. Montbleau asked if it has its own well or would it come off of the new house. Mr. Maynard said there is a dug well out there and has been told the water has been tested and came back good. Mr. Montbleau asked if it has enough supply. Mr. Maynard said it would have enough for the ADU. He has not seen any pump tests. On his plan he has put an alternate well location to meet the ordinance for the single-family house and the ADU.

Mr. Montbleau asked if there were any fire suppressants in the structure. Mr. Maynard said no, but did talk with the fire department and all of the new homes will have residential fire sprinklers installed.

Mr. Doherty opened it up to the public. No one spoke.

Mr. Montbleau asked if that was asphalt or gravel (he was referring to the photo Mr. Maynard handed out). Mr. Maynard said it was pavement. He said there was a paved drive previously on this lot that went all the way out to Marsh Road. Ms. Kirkpatrick asked if this was on lot 7. Mr. Maynard said yes.

Ms. Kirkpatrick asked if the single-family home would be built before and then sold with this property. Mr. Maynard said what he understood from his client was that he didn't plan on selling that lot. He said his plan was to build a single-family home there and rent it and also keep the ADU. Ms. Kirkpatrick asked if the ADU could get a permit to be occupied without a single-family home there. Ms. Beauregard said the owner has to either live in the ADU or the main house and that would be a condition. She didn't think it mattered which one was occupied first. Ms. Kirkpatrick said she would just want to make sure a house got built instead of this being approved as an ADU without being attached to something. Mr. Thomas asked if there was a second exit on the second floor. Mr. Maynard said that was the house plan given to him. Ms. Beauregard confirmed that the building inspector (Roland Soucy) reviewed and approved the plan. Mr. Maynard said he was aware the bedroom windows needed to be a certain size. Mr. Thomas said he only saw one entrance. Ms. Kirkpatrick asked if the slider on the deck off the back would count as an exit/entry. Mr. Maynard said yes it would. Mr. Bergeron asked if he would do an analysis for the septic. Mr. Maynard said that he would do that.

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

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

Mr. Doherty said there was an application for a conditional use permit in the file for a detached ADU. He said they would have to issue a conditional use permit. Ms. Beauregard said the application is complete other than the septic design. She suggested to add that as a condition; that they receive a state approved septic design prior to a building permit being issued.

Mr. Montbleau wanted to make a motion to approve this, subject to the owner building a home on that lot. Mr. Cote asked if this was an attached or detached ADU. Mr. Doherty said it is a detached, stand alone building on a lot. He said the owner's options would be to use it as the house, tear it down or add another house to the lot. Mr. Maynard asked about the requirement that a house be constructed before that permit is granted. He said it would take an entire season to build this entire road. This structure is in decent shape, and they would like to be able to use it. He felt that this restriction for them wouldn't be reasonable. Mr. Cote said the structure looks like a three-bedroom house. Mr. Maynard said it was a two-bedroom house and it is under 1000 s/f. Ms. Beauregard said according to the building inspector, it is 970 s/f. Ms. Kirkpatrick said this was the first time she has seen an ADU come in without a house there. Mr. Maynard said he could do that as the home for now and then they could build the ADU afterwards. Ms. Kirkpatrick said then they could not rent it out to anyone except the owner. Ms. Beauregard said that was correct. Ms. Kirkpatrick said then the only person that could live there would be the owner. Mr. Cote said there is a legality and are they putting that permit on that structure or are they saying that one is allowed on that lot. Mr. Maynard thought it was allowing them to have one on the lot. Ms. Kirkpatrick asked if he wanted to make this the home until the other home is built and then convert this structure to the ADU. Ms. Beauregard said they could do that. Mr. Maynard said the road may not be in until next year. Mr. Cote said he could apply for an ADU and then build the same thing and that could be the house too. He said that being the home would be fine until the ADU gets built. Ms. Kirkpatrick said a home you can rent, but it can't be an ADU unless the owner is going to live in it. Mr. Cote said he thought it could be rented now. Mr. Doherty said it might even be rented now and we wouldn't even know. Mr. Bergeron asked if it was being rented now. Mr. Maynard did not know. Mr. Cote said to Mr. Montbleau's point that this can't be an ADU unless there is a house there. We would give him permission to have an ADU, but he has to build a house. Mr. Culbert said they are giving him permission to have this as a house. Mr. Doherty said in a few years from now when they go to build, if they don't have an ADU permit, then they would have to tear that structure down, build the house and then rebuild the structure. He said they wouldn't make them do that. Mr. Cote said the condition they are talking about is a moot point because it can't be an ADU until the house is built. Ms. Beauregard said as part of the new building permit there should be a stipulation on there that once occupancy is received, then the other building turns into the ADU and at that time they would make sure one of the units is

owner occupied. Mr. Cote said they should make a note of that, but not make it a restriction. Mr. Montbleau asked if in the future what happens if they don't build a house. Ms. Beauregard said they would live in that as the main house and it wouldn't matter who lives in it, as it would be the only house on the lot. Mr. Maynard said he can't say when that structure on that lot would be built. He said he could add a note on the plan that when a new dwelling is constructed on that lot that this would become the ADU, and he would reference the case number and put that on the recordable plans.

Mr. Cote asked how he got that square footage of the house. Mr. Maynard said he did not get that number and it was measure by an architect based upon the structure. Mr. Bergeron asked Mr. Cote if he came up with 1096 like he did. Mr. Cote was wondering if there was a tax assessment card showing the square footage. Mr. Bergeron said the building inspector found it to be 970 s/f. Mr. Maynard said it is only living area that is calculated.

Mr. Cote wanted to make sure the wording of the motion was correct. Mr. Maynard asked if the wording needed to be changed. Ms. Beauregard was working on the wording. Mr. Montbleau just wanted to be sure that a house needed to be built for that to become an ADU. Mr. Cote said it should be that if another structure was constructed, that that would become the ADU. Mr. Culbert confirmed that Mr. Maynard would put a note on the recorded plan. Mr. Maynard agreed to do that with a reference to the case number. He said he would note that when a new home is constructed on this lot, the existing structure shown on these plans would become the ADU per Case #PL2022-00001. Ms. Beauregard mentioned putting a condition on that to say 'Once occupancy is granted on the new single-family home, that structure would convert to ADU status and either the new home or ADU must be occupied by the property owner.'

MOTION: (Mr. Montbleau/Mr. Cote) To approve the plan with the condition that once occupancy is granted on the new single-family home, that structure would convert to ADU status and either the new home or ADU must be occupied by the property owner.

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

Mr. Doherty asked the board if they were all okay with changing the conditions of the previous vote to add that one more condition. Everyone seemed to be in favor of that.

DISCUSSIONS

Mr. Cote mentioned that he is working through some issues that are going on in town with some of the roads. He said that he looked at a file from 1971 from a specific plan that was approved. He said he would forward the email to the board so everyone could see it. He said that the minutes to every meeting are extremely important because they capture everything that is said, voted on and discussed. He said there is a lot of information on the minutes and they is very important. He noted that the conditions for how they approve plans are in the minutes and that is huge. One of his assignments was to find out the board's intent from a previous plan and he needed to look that up. He wanted everyone to know the minutes are very important and that everyone is leaving a mark at these meetings. Mr. Bergeron said that there was a case that went to the Supreme Court about 55 years ago. He said that had to do with keeping good minutes and that became a precedent case. Mr. Culbert said that when a plan is denied, it must be for a reason and that needs to be stated and recorded. Mr. Bergeron said the recording secretary is a very important position for the town.

Mr. Thomas gave an update regarding the Master Plan. The core team consists of himself, Ms. Masse-Quinn, Mr. Montbleau, Ms. Beauregard and Mr. Bergeron. They've had two meetings in the last two weeks. They've talked about the contract they would have with Resilience and other related aspects to tracking and members. They received and accepted all nine applicants, so there is a total of 14 people on the committee. Five of them are core members. They had a conference call last Wednesday with Resilience and agreed to have a monthly meeting. The Master Plan committee will have probably two monthly meetings. One would be with Resilience, on a Thursday and most likely be about an hour and

the other would be just the committee. There are three presentations coming up next week. One will be to the Zoning Board, the second with the Board of Selectmen and the third with the School Board. It will be the same presentation that was given to this board back on January 3, 2022. Ms. Masse-Quinn is putting together more meetings. They plan on meeting with the Veterans, additional schools, Parks and Recreation, Transfer and Highway, Police, Fire, possibly the cemetery and the library. The committee is reviewing material to send over to the Attorney for the contract. If after the town vote, this gets approved, they will have all of that worked out regarding the contract. The Master Plan presentation is on the website currently and version 7 will be issued later this week. They have added some good information and are happy with the members and believe it will be a fun journey.

Mr. Montbleau asked if Mr. Thomas wanted to invite any of the board members to attend the deliberative session on Tuesday night. Mr. Thomas said the core team for the Master Plan would be there. He said they are prepared to address any questions regarding the Master Plan. They are prepared to defend why they chose Resilience over NRPC and they have a four-page dialog going over that. Mr. Thomas said the deliberative session is at Sherburne Hall on Tuesday 2/8/2022 at 7PM. Mr. Cote said the agenda is to go over the warrant articles. Mr. Bergeron said that the warrant is part of the budget and he'd hope they'd approve the budget as proposed by the Selectmen and it's in their budget. He said it is very important to know this. Mr. Thomas said with a default budget, this won't go forward.

ADJOURN

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

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

The meeting was adjourned at approximately 9:39 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary