

APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
April 4, 2022

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

Ms. Masse-Quinn called the roll:

PRESENT ROLL CALL:

Tim Doherty – present
Roger Montbleau – present
Danielle Masse-Quinn – present
Paddy Culbert – present
John Spottiswood – present
Jaie Bergeron – present
Bruce Bilapka - present
Scott Sawtelle - present
Hal Lynde - present
James Bergeron – present
Jennifer Beauregard – present
Jennifer Castles - present

**ABSENT/
NOT PARTICIPATING:**

Samuel Thomas

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Regarding the March 21, 2022, meeting minutes, Ms. Masse-Quinn said on Lines 63 and 65 to correct the spelling of the word ‘ex officio’. Line 85 to add ‘for a two-year term’ to the motion. Line 160 to remove the words ‘approve the plan’ and to add ‘to approve a lot line adjustment between Lot 39-6-176 and Lot 39-6-179’.

MOTION: (Mr. Montbleau/Mr. Bilapka) To approve the minutes of March 21, 2022, as amended.

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

Mr. Bergeron asked if Mr. Doherty could take the build out analysis out of sequence, as there is someone here from the NRPC. Mr. Doherty said it would have to stay there for the time being.

MOTION: (Ms. Masse-Quinn/Mr. Montbleau) Request for a non-public session per RSA 91-A:3, II, Section L.

ROLL CALL VOTE:

Mr. Montbleau – Yes
 Mr. Passamonte – Yes
 Ms. Masse-Quinn – Yes
 Mr. Bergeron – Yes
 Mr. Bilapka – Yes
 Mr. Jaie Bergeron – Yes
 Mr. Doherty – Yes

Mr. Doherty said that Ms. Beauregard will also be joining the non-public session.

MOTION: (Ms. Masse-Quinn/Mr. Passamonte) To seal the non-public minutes.

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

ADMINISTRATIVE

Map 31 Lot 11-269, Campbell, Ronald and Ellen – 80 South Shore Drive – In accordance with RSA 674:41, Planning Board to review and provide comment to the Board of Selectmen and applicant to seek Board of Selectmen approval to allow a building permit on a Private Road.

Mr. Bilapka recused himself from this case, as he is an abutter. Mr. Doherty appointed Mr. Culbert to vote.

Mr. Earl Sanford of Sanford Surveying and Engineering introduced himself, as well as introduced Mr. Ron Campbell as his client, the landowner. Mr. Sanford said that Mr. Campbell has a lot at the end of South Shore Drive. These lots were established in a subdivision that was done back in 1925 and in 1948. Mr. Sanford said that they have received a variance from the zoning board due to it being a small lot, only .16 acres. Mr. Sanford said that Shoreland protection will be giving their approval tomorrow and there is only one minor item left. The septic system is approved, pending receipt of the Shoreland permit. This is a private road about 1,700 feet going down Smith Road, then take a right onto South Shore Road and then about .5 miles brings you to this lot. They are asking to be able to build on this lot and being a private road, they need to have the Selectmen approve this plan. He is hoping that this board will recommend approval to the Selectmen for this. He said that Mr. Campbell said he would be paying his dues towards the private road. They are asking for any input from this board.

Mr. Doherty said this is probably the smallest parcel of land that this board has ever had to navigate to come to an agreement to be built on. Mr. Doherty asked what square footage is left after they remove the wetland calculations from this lot. Mr. Sanford said it's an isolated wetland of less than 2,000. They have flagged it and said 400-500 s/f of the 6,680, so about 6,000 s/f is the buildable area. Mr. Sanford said the well radius would extend off and he has already had that process recorded for a well release. Mr. Sanford said the land on each side is in current use and under an obligation to keep it non-buildable. He said there's no construction allowed to the north, south or the east of this lot. Mr. Sanford said this lot is very similar to all of the lots in that subdivision that already have houses on them. Mr. Doherty asked if Mr. Sanford was talking about the old subdivision and asked if this was a lot that was never developed. Mr. Sanford said no it wasn't developed, but its size is the same as the other lots with houses in that subdivision. Mr. Doherty commented that those have dwellings on them, and they have a vested right to have those buildings. Mr. Sanford said correct and that leads to the question, is there a vested right by it being a lot of record since 1925?

Mr. Montbleau said he has concerns about water issues in that area and neighborhood. Mr. Montbleau said this will create more impervious surface and that will increase the water shed. Mr. Sanford said they have put in mitigation, per the State standards, like a second septic system on the back of the lot, which will direct at least 95% of the impervious area. That will be directed into that infiltration basin for a zero

net increase of water coming off in volume metrics as well. Mr. Montbleau asked about driveways. Mr. Sanford said that is included. Mr. Montbleau asked if that goes into that. Mr. Sanford said this lot is up on a hill, not like most of the other lots that are down low. Mr. Sanford said the back drops off to a wetland, but the contour lines are about a 16-foot drop to get down to those. Mr. Sanford said this is being built well above the wetlands and above the water table and they are able to mitigate the roof and the driveway pavement by the grading. Mr. Sanford said by the way they will grade the driveway to make that happen, is with the tilt going towards the lake. Mr. Sanford will change the grade to bring it backwards to mitigate for a zero impact from the drainage. Mr. Montbleau asked how big this is and is it a cistern. Mr. Sanford said it's an infiltration, big box with fill off the back of the house before it tapers down to the wetland. It will be a box of stone about 10 x 30 and both downspouts and a pipe from area drains up by the driveway that are bringing the water to mitigate that. Mr. Sanford said that no other lots in this whole subdivision have anything like this. Mr. Sanford said in order for them to have received a Shoreland permit, they were required to do this, and he has met State standards already. Mr. Montbleau asked about the runoff and asked if there was a garage going there. Mr. Sanford said it would be a garage under the home. Mr. Montbleau asked how many gallons would this hold and does it leach out of there. Mr. Sanford said yes, it is an infiltration basin that's taking and it's NRCS that comes up with a case value of what is allowed. Mr. Sanford said whatever they give, they say take half of the low value and they are doing it according to the books as to what has to be done. Mr. Sanford said he is holding to those standards as well. Mr. Montbleau said he has wetland all around him and he is worried about this system trapping it into a containment area and then leach it back into the ground. Mr. Montbleau said it will come up somewhere and head to the lake and he asked again how many gallons. Mr. Sanford said he didn't bring the drainage report with him, but said it was supplied to the Planning Board for review with all of those numbers in it. Mr. Sanford said the volumetrics are computed based on a ten-year storm. Mr. Montbleau said there are concerns with water over there and he is not satisfied with the responses given. Mr. Doherty said that neighborhood has a problem with saturated soils already. Mr. Sanford said not on this hill. Mr. Doherty said the State would look at just this lot only for a septic design and Shoreline would look at this lot for a shoreline design. This board is not looking at just this lot. Mr. Doherty said this board is looking at a neighborhood that is below your hill that currently, like Woekel Circle, has water at times flowing across lots, across septic's and onto the beach. This neighborhood is saturated right now. Mr. Doherty thinks the point Mr. Montbleau is trying to make is that putting more water into the ground, it will become super saturated. Mr. Doherty said he was concerned about the septic load alone and it doesn't mean that all the surrounding lots have clean solution septic's. This may cause their systems to be destroyed unintentionally. Mr. Doherty said when foundations are put in along the ponds there becomes less area for the water to go in and it starts to come out of the ground in this neighborhood. Mr. Doherty said it creates nitrates in the pond and a sewerage problem for the pond. Mr. Doherty is concerned about the stone box that they plan to put into the ground. Mr. Sanford said these infiltration, best management processes are time proven, and a major point being missed is that they are not in the water shed for the lake. They are on the crest and their water shed is going away from the lake. Mr. Sanford said it may eventually lead back to the lake, but it would have a very long path to do so. He said it is not directly, hydrologically connected at all. Mr. Sanford said they are next to extensively undeveloped land, both north and south of this lot. Mr. Sanford said that land would be able to absorb this drainage. Mr. Sanford said that Paul, the town's septic reviewer was out there and commented how good the soil was in terms of being able to absorb an impact. Mr. Sanford said there have been many sites that have been built on, even doubled in those impervious areas and he asked why they got a pass and his client not. Mr. Sanford said if you look at an aerial of the lots that have been converted in this neighborhood and how they've increased in their size and they don't have anywhere near the capacity as this lot does, to absorb that. Mr. Sanford hopes there would be a fairness in considering his case. Mr. Doherty said that would be his concern as developed, non-conforming lots are grandfathered uses. Mr. Doherty said this lot does not have a use; it is a sub-standard lot that was created some 70 years ago that has never had a use on it. Mr. Doherty said they are presenting a use to this lot and in his opinion, it will create a problem for the existing lots. Mr. Doherty said it can't be treated as a stand-alone lot in this type

of neighborhood. Mr. Doherty said this board has to take the neighborhood into consideration. Mr. Sanford said that neighborhood is in a different water shed area. The water shed in the area of his lot is one lot in a very vast, undevelopable land. Mr. Doherty said if that parcel of wetland behind this lot was able to take more water, it could take more from the existing neighborhood now, but it's not. Mr. Doherty said the already developed lots are doing the pond lots no good right now and those lots are having problems now. Mr. Doherty said they need to make sure this will not harm the public health of the existing people that are already there. Mr. Doherty said this is proposing to bring in a new family, with new infiltration of water from septic load, driveway and roof that is a concern.

Ms. Masse-Quinn said she shares the same concerns that Mr. Montbleau and Mr. Doherty were discussing. She said that property hasn't had use on it for 70 years and she shares the same concerns of adding a new single-family home. She said that will have an impact on the surrounding neighborhood and abutters. She said the runoff would be a huge impact to that neighborhood even with the infiltration he spoke of. Mr. Sanford said it is going in the opposite direction and they are in a different water shed then all of those people. Mr. Sanford said they are on top of the hill, and they are going away from the front. Ms. Masse-Quinn said there is an existing water problem in that neighborhood and feels this may contribute to that. Mr. Sanford said that is his job to make sure that does not happen and he has done this using time- proven metrics through engineering and State standard procedures. Ms. Masse-Quinn said he had the wetland area at 1,469 s/f and their WCD is over 2,000 s/f, so there are inconsistencies that she sees. Mr. Sanford said he has applied all of the metrics controlling water that are published by both the Town's and State's regulations, so he is shocked of what is being said that is not speaking to some metric. Mr. Sanford said he had spent hours engineering this plan to make sure it meets the standards and would work. Ms. Masse-Quinn said she isn't just looking at his parcel, she is looking at all the surrounding parties.

Mr. Culbert said he agrees with what is being said by the board members and therefore can't recommend this to the Board of Selectmen. Mr. Doherty said Mr. Sanford is treating this lot as a stand alone lot as all of the other engineers had done on each of the other lots. Mr. Doherty said that was done with lots that had existing homes, but this lot did not have a home on it. Mr. Doherty said it keeps getting worse and thinks it is not necessarily the right thing for this board to recommend to the Selectmen to allow them to have a building permit. Mr. Doherty said as a board they see buildable lots all the time and they would never allow a lot with this well radius that leaves the lot or think they could have a septic load and well radius on such a small lot. Mr. Doherty said that in itself is a health problem and concern in his opinion for that one particular lot. Mr. Doherty said this is near the pond and they will infiltrate water into this ground, but somehow, knows that the water will go away from the pond underneath the ground to a different water shed. Mr. Doherty said he can't honestly say that he believes him. Mr. Doherty said he doesn't think he can say the water from there will not increase the water table and not exacerbate that situation. Mr. Doherty believes it would affect the rest of the pond, Woekel Circle and the South Shore Drive lots. Mr. Doherty said it is their job to look at public health and recommend to the Selectmen one way of the other.

Mr. Doherty opened it up to the public. Mr. Richard Walker from 81 South Shore Drive introduced himself. He said he's lived there for 30 years, and he owned the lot behind his property and gave that to his son to build a house. He said he lives directly between that lot and the pond. He said if there was water running down there he would know about it. He confirmed that he is at Lot 11-268. Mr. Walker said this year has been the worst for water and thought it had to do with leaves. He said he has never had water in his yard for the past 30 years. He said this was the first year he has pumped out his septic system. He said he feels this is unfair and that there is already a number of houses there and that he has owned this land for 30 years. He said if he is told he can't build on that land, he feels that is a hardship. Mr. Doherty asked if he just said he hadn't pumped his septic system in 30 years. Mr. Walker said he only lives there three months out of the year, and it is just him and his wife. He knows how sensitive the lake is and respects that. He realizes their prospective, but they have put a lot of work into this and said the water does not come down the hill into his yard and that the lot is higher. He said they may be able to put some good trees in the back that may help take some of the water out. He said he would do whatever

it takes to make the drainage done properly for the neighbors. He said he is planning on living there year-round soon and he is planning on replacing and rebuilding his home as well.

Christine Kamal introduced herself and her husband, Rich Kamal. She said they just purchased the land adjacent on the opposite side on the lake from the proposed house on South Shore Drive. She said she appreciated everything that was addressed. She said the Walkers and the Campbells would be their neighbors and wants to be amicable. She said she wants to protect what they just bought. She wanted to make it clear that the road goes beyond and up to the edge of the property. She said Ron Campbell's proposed site is actually part of the private road and not their driveway. She said it goes up to the Walkers. She said the road ends at the land corporation. She wanted to be clear that that is part of the private road that goes up there. She said the water does flow and goes back under the road at several culverts. She said when the culverts get blocked it creates problems when it freezes and thaws. She said there are many culverts under the road. Mr. Doherty said some of the water the board talked about is not sheet flowing surface water, it can be water underground also. He said this pond is spring fed, which comes through the ground and supplies the pond. He said the concern is the water under the ground and when more water is purposely put into the ground it is going to go somewhere.

Angela Harkins from 61 South Shore Drive introduced herself and said she appreciates what everyone has said so far about the whole back land being saturated. She said it is incredibly wet and the wetlands travel all the way down. She is eight houses away and they all end at her house. She said it's higher than she's ever seen it. She can't imagine how that wouldn't drain back into the wetlands. She said a minor regrade of the road last year caused her septic alarm to go off. She said she had a big sinkhole in her driveway also. She said if these people put a garage under, they are taking soil that is taking water in now. She wants everyone to understand that this goes all the way down the street.

Maureen Beattie-Waterworth from South Shore Drive introduced herself. She said she is a homeowner as well as the treasurer for the Little Island Pond Realty Corporation and a road trustee for the Smith Road Trust. She said she has lived on the pond forever, as her parents and grandparents had. She has interest in protecting the pond and she said water is an issue. She said it comes down and runs across the backland. She said she can't speak to Mr. Walker's land as she hasn't been on it when it rains. She said when it rains out it comes pouring into her yard.

Mr. Doherty said that is why they are looking at the entire neighborhood. He said a couple of lots in the other direction on Woekel Circle, when a large house was built, blocked an underground flow of water and now there is water coming out of the ground across the street and now it is flowing across a septic system down the road and onto the beach. Mr. Doherty said it is a public nuisance. Mr. Doherty said by adding a new home that doesn't have any vested rights and is on an undersized, substandard lot, they need to make sure that they are not making a mistake. Ms. Waterworth said that no permission has been granted at this time to change the grade of the road. The road belongs to the Trust, but that can't be adjusted without permission from the Trust. Mr. Doherty said this board cannot get involved with that and that is a civil matter.

Julia Steed Mawson introduced herself as a resident of South Shore Drive, as well as a member of the Little Island Pond water shed Association. She said she is a biologist, and she has served as an environmental educator in her career. She said one issue is the water shed of the pond extends not just a few feet beyond their properties, but on the southern side, Dutton Road is the height of land. She said the water shed is much broader than one or two neighbors deep. She said whatever is happening uphill will flow downhill and push whatever is in front of it towards the lake. She said the water quality of the lake is a concern. She said due to the changes that have occurred in the lake have been very rapid. She said they are now part of the University of NH Lakes monitoring program, so they will be able to get more data in the years to come. She said in 1973, the state looked at the pond and it was classified as oligotrophic, which meant it was relatively young. She said all lakes age and ultimately become a meadow or a forest. She said that should take thousands of years. She said around 1983, it was considered oligotrophic. She said in 1993, it was also considered oligotrophic. She said in 2000, it was considered mesotrophic, which means it is middle aged and the weed population became high. She said ultimately a lake will become eutrophic, which means it's an old lake. It will be filled with sediments and

weeds. She said our pond has aged within less than 10 years from oligotrophic to mesotrophic. She said this should've taken hundreds of years to occur. She said this pond is under stress due to climate changes and also the development increase on the pond. She said all of these concerns are valid in her mind. She said her neighbors are trying to be responsible regarding the pond and their shared road. She was confused about the private road going to the end of the property where the backland starts. She said it appeared the driveway went right over the private road. She asked if that was correct. Mr. Doherty said it is on the edge of their property based on the plan they have. Ms. Mawson said the road goes straight and the driveway goes across. Mr. Doherty said it appeared to go to the end of their property. Mr. Stanford said it is just dirt and it is not paved. Ms. Mawson asked if drainage plans require permits. Mr. Doherty said this one would because it is within 250 feet of the shoreline. It would require State permitting in which the applicant would be in the process of doing. Mr. Doherty said it would be part of the shoreline protection permit. Ms. Mawson said because there would be grading changes in the development, who would inspect the installation of grade changes and when does that happen. Mr. Doherty said with this one lot, it would be a septic inspection and that may be all. Ms. Mawson asked if it would be a state inspection and not the town. Mr. Doherty said the town would be involved. Ms. Beauregard said the septic and the construction of the house would be inspected, but not necessarily the grade of the property. Mr. Doherty said this has been one of the problems occurring in the homes around the pond. He said it leaves the ZBA, goes to Shoreline and each lot gets treated individually. Mr. Doherty asked her how nitrates in the septic systems affect the pond and the growth of the pond aging. He said he believes that's what causing the pond to age so quickly. Ms. Mawson said correct, that phosphates and nitrates are the key drivers for plant growth. This happens when fertilizers get into the pond water. She said also the introduction of more sediment into the lake and plants will root. Mr. Montbleau asked if she had a projection for the next 10 years on that pond. Ms. Mawson said she wouldn't be able to do that. She said they are now a part of Lake Smart, so they can educate people that live on the pond on what to do or not to do. She said climate changes affect this and increased temperatures will as well. She said they need to look into the water shed approach and not just the houses on the lake and the road. They need to look at the water sheds themselves and do analysis on them. She said they are not on a great path and that aging of lakes is a natural process, however it has ramped up very fast. Mr. Montbleau asked if the plant life with the nitrates was milfoil. Ms. Mawson said to date they don't have any milfoil, which is considered an invasive. She said the plants they have are native, but the population is high and is causing concern to the people. The State is getting involved hoping to have answers as to why. She talked about removing the beavers from the lake and that may be why the plants growth has increased, as the beavers eat the plants. The beavers have since returned.

Mr. Sanford indicated that he had been involved in groundwater hydrology studies and mounding issues and he feels that the science of that is getting treaded on very badly here. On top of the hill, he had used case at value, of how much absorption and he went by industry standards with protecting the environment and not to create a drainage problem off-site. Mr. Sanford said if this board is saying it is not acceptable, he asked that they articulate the metric in which the board is using for its decision.

Mr. Montbleau said they don't have degrees in hydrology or drainage, but they depend on Mr. Keach to give us information. Mr. Montbleau said that this board is made up of lay people and we see what is going on out there in the environment. Mr. Montbleau said the board can't give metrics, they can only go by what they know and get advised on. Mr. Montbleau said the board is worried about what is going on over there and Ms. Mawson confirmed what they are worried about. Mr. Sanford said he didn't know if Ms. Mawson has any expertise in groundwater hydrology or mounding. Mr. Sanford said his client is a considerable distance away from the lake. The State addresses the treatment to make sure the water is not getting the nitrates and they have BMP's that are there to make sure the nitrates don't make it to the lake. They are utilizing all of those methods. Mr. Sanford can't understand how they can be refuted without any metric and can't see how they can overturn his 40 years of experience in this industry. Mr. Sanford stated he also works with Mr. Keach regularly. Mr. Doherty said they are not disputing that he designed this lot, he said this board is concerned about taking this land and making water purposefully infiltrate into the ground. Mr. Sanford said the land is infiltrating now. Mr. Doherty said it is a

combination and the lot isn't paved or impervious now and water will also go through this proposed 10 x 30 crushed stone area in the back on the lot. Mr. Doherty said the concern that there is already so much water in that neighborhood now and that introducing more water in the ground will force the groundwater to do things it is not doing now. Mr. Sanford said in his professional opinion that is not right. Mr. Doherty said they have no ability to stop the lots of record previously built on and this board is looking to either recommend or not to have a home built on this lot that he said is substandard. Mr. Doherty said this board would not have this small of a lot with a well and septic on it in other developments. Mr. Sanford said it is a lot of record and wouldn't suggest this as a new lot. Mr. Sanford said as a lot of record, there is a vested right for the owner who has been paying. Mr. Doherty said where public health is concerned, there is no vested right in this lot. Mr. Doherty said with vesting there are three things that can happen, the four-year setback, the 120 day and a taking of land. Mr. Doherty said he doesn't want the board to feel that it is a taking of land if they don't allow an additional home built on it. He said if they are allowed to build on it and exacerbate the already poor situation that is in this neighborhood then shame on the planning board for promoting a public health problem. Mr. Sanford said as a professional, he said it won't do that. Mr. Sanford said they have 12-14 feet of upland soil above the wetland, and it is a deep-water table as Paul Zarnowski commented. There is a tremendous sponge ability with this lot and that is being ignored and that's why he is asking for a metric. Mr. Sanford said the pore space in the soil below this house is tremendous and would address every one of these issues being brought up, but no one is recognizing that. Mr. Doherty said they hear what he is saying but are looking out for the neighborhood. Mr. Sanford said the pore space of the soil, below this development has ample capacity to keep the negative effects away from the abutters and the science is there for that.

MOTION: (Mr. Culbert/Ms. Masse-Quinn) To not to recommend the Board of Selectmen issue a building permit.

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

Mr. Bergeron asked to take the agenda item for the NRPC presentation out of order and have it be presented now.

PRESENTATION

Mr. Ryan Friedman introduced himself as the senior GIS Planner with the Nashua Regional Planning Commission. He said he has already been here outlining the processing and showing the board some results along the way. He said this is now the final document and that will wrap up the project and hopefully give them information to use for the Master Plan process. He said the first part of the documents are talking about the buildout and the process involved. He talked about the software that was used to develop this. He used the land use and zoning regulations from the town in the software. He discussed the results he came up with. He discussed some alternative scenarios and there are outlines of those in the report, such as senior housing. He discussed the indicators and results of the buildout of senior housing.

Mr. Montbleau asked if he said currently we have 8,000 people that live in the town, of 14,000 that are in the labor force. Mr. Friedman said yes. Mr. Montbleau said those are working in town and anywhere else. Mr. Friedman said correct. Mr. Montbleau asked where are the 11,118 and when does that happen. Mr. Friedman said that is the result of the base scenario which there is no time on it, it is when you built out. He said the 84% rate applied to more single-family houses. Mr. Montbleau said the 11,118 is based on the fact we would have 22,000 people when it was built out. Mr. Friedman said yes.

Mr. Doherty opened it up to the public. Mr. Jeff Gowan, 17 Livingston Road introduced himself. He said he was glad to see this has been completed. He encouraged the board to remember this is a snapshot of today and today's zoning. He said this is a work in progress and will be helpful with the Master Plan process. He said this may result in potential new zoning and he thought NRPC could revisit then based on any zoning changes. He said this can be revisited as often as needed. He asked if this is publicly

posted. Ms. Beauregard said it is and she had sent it out to the Master Plan members. Mr. Doherty closed it to the public.

Ms. Beauregard asked if there was a vote to approve this. Mr. Friedman said no, it just gets sent out as a final report. Mr. Lynde asked about the fire department and the scenarios with responses tripling. He asked how he turns that into a cost estimate. Mr. Friedman said that would be the town's next step to take a look at current staffing and future staffing. He said these are only hypothetical scenarios and those questions are not answered in this type of document. Mr. Doherty said that was a good thought and said that Mr. Friedman did a great job. Ms. Beauregard said it will be added to their documents.

NEW BUSINESS

Case #PL2022-00009 Map(s) 7 & 8 Lot(s) 9-94 & 9-95, 9-96-1, 9-135-3

MENDES, David – 51 Hayden Road – Seeking Planning Board approval to consolidate 4-lots and then to re-subdivide into 15 single-family lots.

Ms. Masse-Quinn read the list of abutters. Mr. Shayne Gendron introduced himself with Hebert and Associates, representing Mr. David Mendes, the property developer, who is there with him. There are four parcels, three of which have existing homes on them and one that is vacant. They are combining those parcels to create 15 new lots, but really only 12 new building lots. They are proposing 14,000 feet of roadway, with curbing and closed drainage system. They are bringing public water over from Wildwood Estates, which is Pennichuck Water to service these homes. These homes will have septic systems and all of the lots meet the requirements for dimensions and acreages. They have completed test pits, 4Ks, 15Ks and everything is pretty much completed. They have one waiver request for the building envelope irregularity on Lot 9-94-10. There are no wetland impacts for this subdivision.

Mr. Doherty said this would be a 6-person vote, as they have no Selectmen. Mr. Passamonte left, and Mr. Culbert will vote for him. Mr. Doherty asked about what the waiver is for on Lot 9-94-10. Mr. Gendron said it had to do with the 15K requirement, Section 203-1 B.2. This is due to the power line easement and there was no way this lot could be configured differently, and all other aspects of that lot are in compliance.

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

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

Mr. Doherty asked how they would get Pennichuck Water from Simpson Road to this development. Mr. Gendron said Mr. Mendes already has water on Wildwood Estates and it would run across the power easement and into this subdivision. Mr. Mendes owns all of the property within these projects. Mr. Mendes confirmed he is still working on Wildwood Estates, so he would have access to that and there are easements for Pennichuck Water there. He said that is already a done deal for public water.

Mr. Bergeron asked about the lot lines of Lot 9-94-10 and about the piece behind the power line. He wanted to see what was taken out from under the power lines and what was left in. He asked what the narrowest point going through the 4K area and what is that dimension. Mr. Gendron said that is 100 feet to the property line. Mr. Bergeron asked if the property under the power line is Mr. Mendes. Mr. Gendron said yes. Mr. Bergeron asked if that was part of the open space on Wildwood. Mr. Gendron said yes, and it will remain that. Mr. Gendron doesn't believe the Selectmen took jurisdiction on that property but was not 100% sure. Mr. Mendes said it is a HOA. Mr. Bergeron said that was because for that not to have happened, the Selectmen would've accepted that, but they did not and it became a private HOA, open space area. He said it's important for people to know when he requested this waiver that he sees the back side of that lot is backed up forever by open space. He said the spirit and intent of the 15K doesn't get violated here by being irregular on this lot. Mr. Doherty said at the conceptual on this, they were asked about trail systems in that area, and it was inadvertently mentioned there were none. He said in the convenience there was mention of it. He asked if that open space was ever linked over to Muldoon

Park. Mr. Mendes said there are no trail systems over on the other side of Simpson Road where he developed land. He said Beaver Brook can't be crossed to get to Muldoon Park and it's all privately owned. For the remaining land there has never been trail systems through the property and he had maintained it for the last 25 years. He said the owner, Velma Smith never allowed trespassers, hunters or trail systems through that property. He said he would continue on that same path. Mr. Doherty said this will need to go to Mr. Keach for review.

Mr. Bergeron said there are concerns from the Planning Director. Ms. Beauregard said she had questions on the language on the plan for the cul-de-sac. She said they are showing an easement for the cul-de-sac. She said if it doesn't ever cut through then the set back lines are along with the road. If that never goes through, then potentially you would have building in the setbacks. She said the language should be clearer and would like to see what Mr. Keach thinks about being an easement. She wondered what the legal ramifications would be or liability if those portions of the cul-de-sac are owned by the property owners and not reverting to the town ownership once the road gets accepted. Mr. Gendron said that was fine. He said the lower lot has an existing home, but not the upper lot. She said his building area on that lot would be subject to a setback. Mr. Bergeron asked if that could be resolved with review. Ms. Beauregard said we can see what Mr. Keach says regarding the language. Mr. Bergeron asked if the applicant owns the land to the east. Mr. Gendron said no, he doesn't own that parcel. Mr. Gendron said the idea is to keep a temporary cul-de-sac if they ever decide to develop the property further on. Mr. Bergeron said that would be a town road and it would come up to that property. Mr. Gendron said yes. Mr. Doherty asked if lots 9-97 and 9-98 are developed by someone else or are they vacant. Mr. Gendron said he thought they had homes that front on Hayden Road. He said they want to keep future connectivity.

MOTION: (Mr. Culbert/Mr. Montbleau) To accept the following waiver for consideration: Section 203-1 B.2 of the Land Use Regulations to allow the building envelope to be a non-ordinary geometric shape and to have a horizontal dimension of less than 75 feet in one location on Lot 9-94-10 due to the power line easement.

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

Mr. Doherty opened it up to the public and no one spoke. Mr. Doherty said they will send this to Mr. Keach and asked if they wanted to be date specified to come back. Mr. Gendron said whatever Ms. Beauregard thought was reasonable. Ms. Beauregard said that Highway safety wanted to see this as well. Ms. Masse-Quinn said either May 2 or May 16. Mr. Gendron said May 2.

Case #PL2022-00010 – Map 29 Lot 7-99 – DEHNEY, Charles – 15 Highland Ave. – Site Plan review for proposed antique vehicle retail dealership “Highland Classic Autos”, with use of an 8’x40’ container for storage, owner operated, limited foot traffic, and no outside storage.

Mr. Attorney Joe Clermont introduced himself representing Mr. Charles Dehney, who is also there. Ms. Masse-Quinn read the list of abutters.

Mr. Doherty asked Ms. Beauregard if this was in the business district, and she said yes it was. Mr. Clermont said Mr. Dehney has resided here since 1998 in a single-family home on 2 acres of land and it is business zoned. He said there is also a large barn on the property that is 36x86. Through the years the applicant has bought and sold antique and classic cars as a hobby. He is now seeking to display cars inside the barn and register as a business for the sale of these vehicles. This will be a part-time business and all cars will be displayed inside the barn. There will be no vehicles outside the barn. All of his customers are on-line customers and by appointment only. There would be no foot or vehicular traffic. He won't do any mechanical work there and it will only be the purchase and sale of these vehicles. The maximum vehicles inside the barn would be 11. This property also abuts Tractor Supply and Bridge

Street Hardware, and he doesn't see this would be detrimental to the neighborhood. He would be the only employee there and he would like to continue with this unique service.

Mr. Montbleau asked if that was a used car or a wholesale license in NH. Mr. Clermont said it would be a used car license. Ms. Beauregard said they received an application for a retail license. Mr. Montbleau said he thought a wholesale license allowed a person to sell up to 4 or 5 cars a year without getting a regular retail license. He asked if this was different for antique vehicles. Ms. Beauregard said no, not in terms of the license he has. Mr. Clermont said it would be antique and classic vehicles. Mr. Culbert asked if there would be any parts stored outside the barn. Mr. Clermont said nothing would be stored outside. Mr. Culbert asked what will be in the container. Mr. Clermont said there are parts in the container, not related to the business, but nothing for the business. It will be just the purchase and sale of the vehicles. Mr. Montbleau said it's just completed inventory in the barn. Mr. Clermont said yes.

MOTION: (Mr. Montbleau/Ms. Masse-Quinn) Accept the site plan review for consideration.

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

Mr. Doherty opened it up to the public. Mr. Christophe Rothchild introduced himself, saying he lives across the street from Mr. Dehney. He has lived there a very long time. He said he has been a considerate neighbor and when he put up the barn, he put up a natural barrier for it. His concerns were any environmental impact with mechanical work. He had a lingering concern about the market value of his property and would like it to have the least impact to the surrounding properties.

Mr. Jeff Gowan introduced himself as an abutter. He said the applicant's business is very low-key and his perspective is that it's not a problem. He had some concerns upon approval for that there would be no outside storage and no new lighting outside. He wanted to be sure that any future owner of the property must come back to this board for any changes they may wish to make. As an abutter he does support this and said that his sign is extremely tasteful and complies with the DOT dealer desk for lettering.

Mr. Doherty closed it to the public.

Mr. Doherty said he has a letter from the Town of Pelham talking about the site plan regarding all vehicles to be inside at all times. He said this letter should be contingent as part of the approval if it goes forward. Ms. Beauregard said he has some self-imposed conditions that can be added in the letter of decision. She said that he has on there; limited foot traffic, all vehicles must be stored inside at all times, there will no on-site mechanical work performed. She said this board could add no outside lighting to be added. Mr. Doherty said it is by appointment only and there are no walk-ins. He asked how they guarantee that will always be the case. Ms. Beauregard said it sounds like he already has a sign out front. Mr. Dehney said he does. Ms. Beauregard said they can have him put 'By appointment only' as stated by the applicant in the letter. Mr. Doherty asked if has set hours of operation. Mr. Dehney said he has no set hours and it's by appointment only. Mr. Doherty is troubled with that. Mr. Clermont said that someone can't just walk in. If someone wants to see a car, they have to go online and contact Mr. Dehney to make an appointment to meet him to see a car. Mr. Doherty said he should set hours. He said if someone takes over this property, he doesn't want them showing cars at 3:00 AM to customers and waking up the neighbors. Mr. Clermont said he would suggest 8:00AM to 8:00PM. The board agreed that was fine and Ms. Beauregard would add that as a condition. Mr. Bergeron wanted to address the abutter's concerns. He asked that if once a NH dealers license is obtained, does it end with that dealership. He asked if that license is transferable. He is looking into the future, when Mr. Dehney doesn't own this property anymore. Mr. Clermont said he didn't know specifically. Mr. Montbleau said the license ends with him and a new owner would have to be relicensed. He said the site would probably get approved easily, as it's existing. The new owner would have to bond the new license and location in NH. Mr. Bergeron asked him if he would see any unintended consequences with this. Mr. Montbleau said not really, it is a passive, soft use. Ms. Beauregard said if someone was to come in with a different or similar use, if it's going to be outside this approved scope for Mr. Dehney, then they would have to come in front of this board.

MOTION: (Mr. Montbleau/Mr. Culbert) To approve the plan, subject to the conditions stated by the Planning Director.

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

Case #PL2022-000111 – DC Development & Construction, LLC – 15 A&B Parkside Drive – Seeking approval to re-classify newly constructed duplex to a condominium form of ownership.

Ms. Beauregard said this plan's application was from Hebert's office and they are not here to represent this and she wasn't sure why. She said it is a simple matter, but no one is there to present it. She said they are trying to take a duplex that's in construction and make it into a condominium form of ownership. Ms. Masse-Quinn read the list of abutters.

Mr. Doherty said he has the plot plan and the condominium documents. Ms. Beauregard said the documents need to go to Attorney Rattigan for review and approval and he will approve them along with the plan. Mr. Culbert said when he asked to see condo documents on another case he was shot down. He said his experience is that he had five cats and a dog that lived next to him. He would like to see the number of cats and dogs limited to be fair to the neighbors. Mr. Doherty said the condo documents are available to be reviewed. Ms. Masse-Quinn checked to see how many animals are allowed. Mr. Bergeron asked if this was new construction. Ms. Beauregard said yes, it is under construction now. Mr. Bergeron asked if it was their intention to always condex it. She said she wasn't sure, but probably yes. Mr. Bergeron asked if the documents pertaining to each side's responsibility is reviewed by our Attorney. Ms. Beauregard said yes. Mr. Bergeron wondered if once those things leave here, do they ever become an issue. Ms. Beauregard said she hadn't seen any issues such as this but has with shared driveways. She said if something were to arise between owners that would be civil. Mr. Bergeron asked what Mr. Doherty recommended to do with this plan, as no one is presenting it.

Mr. Doherty opened it up to the public and no one spoke.

Mr. Doherty said recently a duplex came up asking for it to be condexed and this board said no. The board wanted them to submit this afterwards, so it could go to our Attorney. He said we can't approve them without our Attorney telling us it's fine. Our conditions of approval are always that it goes to our town counsel. He said he sees this would be no different at this time. He asked what questions they had for this plan. He asked if this was part of a larger subdivision. Ms. Beauregard said this is part of a larger, already approved and recorded subdivision. Mr. Doherty asked if there were any more duplex's coming down the pike for this. Ms. Beauregard said she didn't believe so, but wasn't positive. He said if they don't feel comfortable, they can date specify this case. Mr. Bergeron said it would be prudent to have our Attorney look at the documents and condition it that way. Mr. Culbert said the documents do not give a number of dogs or cats allowed. He would like to have a number on that and would like to say to allow two at most. Ms. Masse-Quinn said letter J states cats or other pet animals, or other birds shall not be kept in any such unit or number or such type to be noise some or offensive to other occupants and should be suitably controlled, leashed or caged whenever they are on the premises outside the interior of any unit. She said Mr. Culbert would like to put a number on that. Ms. Beauregard said she doesn't know if we can do that. Ms. Beauregard said it is a great point and they are individually owned. She said it would come down to the individuals signing the contracts, that are paying attention to that would put a number on them. Mr. Culbert said the developers can do that. Mr. Montbleau said he had been involved in condominiums and was a former president of a large condo association with 105 homeowners. He had a lot of experience with the condominium documents and said that they have to go to our Attorney for review. He said they have to fall into a state format and be in compliance. He said the terms of the documents have to be read by each owner. He said the planning board has no jurisdiction on what the wording is in those documents. The only obligation the board has is a yes or no for a condo and does it

meet the duplex regulations. He said this board has nothing to do with the condo documents and we do not govern that, only Attorney Rattigan does. Each owner has to agree to them. Mr. Doherty agreed.

MOTION: (Mr. Bilapka/Mr. Montbleau) To approve the documents after town counsel reviews them and finds them to be satisfactory, prior to recording.

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

Ms. Beauregard wanted to mention she met with the Highway safety committee last week and they asked if this board would be agreeable to allow them to see the plans sooner then when they are seeing them now. They would like to be able to point out things before they go further down the line. Such as cases that go before the planning board multiple times and then they go before them and can't do what they want to do. She wanted to see how this board feels about them seeing things when the application comes in or do they want to continue and wait until this board decides, like it has been. Mr. Doherty said he likes to wait on it. Mr. Bergeron said they've jettisoned a couple of the Highway safety committee recommendations in the past, so he thought this board should see that first and they are only advisory. Mr. Montbleau and Ms. Masse-Quinn agreed with Mr. Bergeron. Ms. Beauregard said they're fine with that, it was only a recommendation. They just want to be sure especially for the Fire Department, who can shut down the plan after it's been through the lengthy process. Mr. Bergeron said there are enough checks and balances in the system and asked if they wanted to get it earlier. Ms. Beauregard said they just want to see it consistently and said it would be helpful to have an earlier view of it so they can let us know their concerns to take into consideration. Mr. Bergeron said if a plan came in with a red flag, we would send it to them earlier. He said it is the job of the seven members on this board and then for us to send it to Police and Fire for augmentation. He said he would leave it alone. Mr. Doherty said sometimes slowing the plan down is the best thing to do.

ADJOURN

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

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

The meeting was adjourned at approximately 10:10 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary