

APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
May 2, 2022

Chairman Tim Doherty called the meeting to order at approximately 7:03 PM.

Ms. Masse-Quinn called the roll:

PRESENT ROLL CALL:

Tim Doherty – present
Jim Bergeron - present
Roger Montbleau – present
Danielle Masse-Quinn – present
Kevin Cote - present
John Spottiswood – present
Jaie Bergeron – present
Bruce Bilapka - present
Samuel Thomas - present
Hal Lynde - present
Jennifer Beauregard – present

**ABSENT/
NOT PARTICIPATING:**

Scott Sawtelle
Joe Passamonte
Paddy Culbert
Jennifer Castles

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Mr. Doherty appointed Mr. Lynde to vote on the minutes.

Regarding the April 18, 2022, meeting minutes, Mr. Lynde had the following changes: Line 233 and 234, he wasn't sure what the stub meant. Mr. Doherty recommended adding the word 'water' in front of the word 'stub'. Mr. Lynde said on Line 261 he said the word 'lived' didn't seem appropriate. Mr. Doherty recommended removing the word 'that' and change the word 'lived' to 'line'. Mr. Lynde said Lines 263-265 needed to be clarified. Ms. Beauregard said it should read the 'Mopar subdivision' and add 'project' after the word 'senior'. Mr. Lynde said on Line 294, he wasn't sure what the word 'serve' meant. Mr. Doherty recommended leaving that as is, as it's not that significant and it was only a discussion. Ms. Masse-Quinn said on Line 310 to add the letter 's' at the end of the word 'meeting'.

MOTION: (Mr. Lynde/Mr. Montbleau) To approve the minutes of April 18, 2022, as amended.

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

CONTINUED CASE**PL2022-00012 Map 1 Lot 2-127 ARMSTRONG, Charlene – 1394A & B Mammoth Road, Seeking approval to re-classify a duplex to a condominium form of ownership.**

Mr. Doherty appointed Mr. Thomas to vote on this.

Mr. David Groff introduced himself and asked if the board wanted to read the abutters. Ms. Masse-Quinn said she read them at the previous meeting. Mr. Groff said this is an existing duplex and the purpose of the application is to get approval from the board for a Special Use Permit to convert this to a condominium form of ownership. He has given copies of the town's ordinance and the state statute that relates to this. He said the function of the board is to determine whether or not the septic system is installed properly and is efficient for the use and if there is sufficient land for an alternate system, should the existing system fail. He has provided all that information to the board.

Mr. Doherty asked if Ms. Beauregard thought everything was in order. Ms. Beauregard said yes, and that Mr. Groff has given everything that is needed.

Mr. Montbleau asked if they have received a copy of the condominium documents. Ms. Beauregard said no, not yet. Mr. Groff said he doesn't usually furnish those for a conversion. Mr. Groff said the only time he had was for an elderly project. Mr. Groff said there would be nothing for the town council to review. In a conversation with the town council, the only question was would the septic system meet the town requirements for the ordinance. Mr. Groff said DES requires the condo documents and he would furnish them to DES for their subsurface approval. If DES didn't like something in there, they wouldn't give their approval. Mr. Groff said the only town ordinance is if the septic system is sufficient. Ms. Beauregard said Mr. Groff is correct about the ordinance. She said our town council said this board should still require a copy of the condominium documents and he would then review them. She said it would be up to this board if they want to make that a condition or not. Mr. Groff said he also spoke with the town council and asked him what he was going to review. Mr. Groff said he said he would review condo documents for the town of Newton and Mr. Groff didn't know what Newton has in their ordinance, but Pelham says you need a Special Use Permit to do the conversion. Mr. Groff said to get that, the Planning Board has to give it to you if you have a sufficient septic system. Mr. Groff said he didn't know the purpose of sending these documents to the town council and what he would be reviewing. Mr. Doherty said he didn't know. Mr. Groff didn't know either. Mr. Groff said this board can look at them, as they will become public record once recorded.

Mr. Bergeron asked what was normally done. Ms. Beauregard said she can only speak to since she's taken this position, prior to that, she said didn't know if they were required. That's why she said she reached out to the town council when the first one came forward. She said because this is a subdivision of ownership, that he recommended seeing them, but she said it is up to this board.

Mr. Montbleau asked if the town council recommended seeing them. Ms. Beauregard said yes, he does recommend that. Mr. Montbleau said they've been requesting them from everyone coming in so far to date. Mr. Groff said he has done these conversion for about 20 years and he said he has never given this board the 'declaration of condominium' as a condition of getting approval for a conversion for a Special Use Permit. Ms. Beauregard said he may be right, when looking back, she saw some had them and some did not. Mr. Groff asked what town council would review and said that it costs money. Ms. Beauregard said they don't charge the applicant for review. Mr. Groff said he's not talking about the applicant and that he is a taxpayer.

Mr. Montbleau asked if the documents had to be in a certain format per State statute. Mr. Groff said yes, but asked what does that have to do with him asking for a Special Use Permit under the town's zoning ordinance. Mr. Groff said the zoning ordinance says if you have a septic system that meets the requirements of the existing use, then they have to be awarded a Special Use Permit. Mr. Groff asked what condominium rules have to do with the zoning ordinance. Mr. Montbleau said he didn't know, but the board has been asking for them to have the town council review them. Mr. Montbleau said he didn't know the purpose, but maybe it's to see if they are formatted properly. Mr. Montbleau asked if that was in their purview. Mr. Groff said no, it's not according to the ordinance and the state statute. Mr. Groff said they are sent to the town attorney, but again, what is he reviewing them for. Mr. Montbleau said to make sure they are formatted correctly to the state's statute.

Mr. Doherty said this may be why this was discussed at the last meeting, as to have this type of conversion done through the Planning Department as opposed to coming in front of this board. Mr. Doherty said these always drag out and the outcome is always the same, that a Special Permit is issued because the septic requirements are met. Mr. Montbleau said he thought Mr. Groff had a point and he thought maybe this board doesn't need to do these. Mr. Groff said that the town council said he would look at the site plan to see if the septic was in a common area, as it serves the entire condo. Mr. Groff said the town has the septic plan, as it's an existing building. Mr. Montbleau asked if the burden was on the two owners. Mr. Groff asked to do what. Mr. Montbleau asked if their documents aren't correct. Mr. Groff said if there was a dispute about the documents not being correct, it would be on the Seller or the developer. Mr. Groff also said that DES does the same review that this board does. Mr. Montbleau said he thought this board wanted to protect the people that were becoming the new owners of a condo association to make sure their documents are correct. Mr. Groff said when someone buys something, the attorneys do a title search and review the condo documents. Ms. Beauregard said in this case, they have David Groff, who is an attorney putting this together. She said in this case, maybe these documents don't warrant the same type of review as some others that come in front of the board. Ms. Masse-Quinn agreed with Mr. Groff and Ms. Beauregard, and she said that when a property is sold, all the documents are reviewed. Mr. Groff said all of the requirements are reviewed. Mr. Montbleau said he wanted to make sure the buyers are protected and have recourse against the seller. Mr. Doherty opened it up to the public. No one spoke.

MOTION: (Mr. Montbleau/Ms. Masse-Quinn) To approve the Special Permit to reclassify the duplex into condominiums.

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

Mr. Groff brought his application up for a signature.

OLD 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 approval to consolidate 4-lots and then to re-subdivide them into 15 single-family lots.

Mr. Doherty said Mr. Mendes asked for this case to be continued to the May 16, 2022 meeting. Mr. Doherty read a letter into the record from Hebert and Associates. In summary, this letter stated that the applicant has not had time to respond to any comments Steve Keach may have on the application. They haven't been able to coordinate yet with peer review. Mr. Doherty asked if anyone had any objections to this request. No one had any. Ms. Beauregard will put that on the agenda for May 16, 2022.

NEW BUSINESS

PL2022-00014 (Map 40 Lot (s) 6-160 & 6-160-1) PAQUETTE, Steven – 1501-1503 & 1517- 1519 Hildreth Street – Seeking approval for a Lot Line adjustment between the 2 lots.

Ms. Masse-Quinn read the list of abutters. Mr. Doherty appointed Mr. Spottiswood to vote on this case. Mr. Steven Paquette introduced himself as the owner of both properties. He said he lives at 1517 Hildreth Street. He pointed out the properties on the map to the board. He said he is seeking a lot line adjustment. He said he built a swimming pool last summer and he built it going off of an eye view of the property line. He said it wasn't a big deal, as he owned the property adjacent to that piece as well. He said he met with Ms. Beauregard and went over everything needed in his application. He said the proposed line would be an adjustment of about 13,000 square feet.

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

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

Mr. Cote asked if the other duplex is affected by where he built the pool. Mr. Paquette said that when a lot line adjustment is completed it does not affect the other duplex property. Mr. Paquette said the 13,000 square feet would still leave sufficient land and area between the 1501 and the 1503 duplex to conform to the town's laws. Mr. Cote showed the pool on the map to the board. Mr. Paquette said the pool currently straddles the two lots, 1517 and 1519, 1501 and 1503. He showed on the board, a 'dashed' line on the map which is the existing lot line. Mr. Cote understood.

Mr. Doherty asked if he enters this property from Dracut. Mr. Paquette said yes. Mr. Doherty asked if it was in the industrial district in Pelham. Mr. Paquette said yes. Mr. Doherty said they don't allow residential dwellings and he said that is why Mr. Paquette had to get a variance to build these. Mr. Paquette said yes, back in 2014 and again in 2017 or 2018 for the second lot. Mr. Doherty asked Ms. Beauregard if this would not be the planning board, but would it be her old job as the zoning administrator. Mr. Doherty said it received a variance and now he is looking for a lot line adjustment. Mr. Doherty asked her if Mr. Paquette would have to go back to the ZBA. Ms. Beauregard said he does not because he really is just correcting it and the acreage is all set. She said it is more for the use being in the industrial zone than the size of the lot. Mr. Doherty asked if it was also for lack of frontage. Ms. Beauregard said yes and you have to leave Pelham to get into his property. Mr. Doherty asked if the section where he has to leave Pelham to get there, is that still in the zoning and are there duplexes there. Ms. Beauregard said it is in the same spot as last time. Mr. Doherty asked if the septs are anywhere that would be affected by this. Mr. Paquette said no, and he showed the board where they are on the map.

Mr. Spottiswood asked if the pool is in place and when the pool was put in, were any lot lines taken into account. Mr. Paquette said that he went off of a flag on a fence that Meisner put there some time ago. He said he thought the boundary was right behind that fence, but it turned out it was about 10 feet to the south. He showed the board on the map. He said he owned both lots anyways and knew he could come before the board if needed.

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

Mr. Doherty asked if Ms. Beauregard had any conditions for this plan. Ms. Beauregard said no, it is just a simple lot line adjustment.

MOTION: (Mr. Cote/Ms. Masse-Quinn) To approve the lot line adjustment.

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

Mr. Paquette asked if he needed to submit a mylar. Ms. Beauregard said he will get a letter telling him what he will need to submit.

PL2022-00015 (Map 15 Lot 8-201) GROSSMAN, Donald – 144 Windham Road – Seeking Site Plan approval for installation of a ground-mounted solar array on a 9.6-acre property, approximately 77’ from the closest property line, 126’ from rear property line and 300’ from side and road.

Ms. Masse-Quinn read the list of abutters. Mr. Doherty appointed Mr. Lynde to vote on this plan. Mr. Donald Grossman of 144 Windham Road introduced himself as looking for approval for the installation of a ground-mounted solar array. Mr. Doherty asked him to describe the layout. Mr. Grossman said it is 9.6 acres and most of it is cleared and he is currently growing Christmas trees on the land. Mr. Grossman said in the middle of the plantation area there is a rise there. Mr. Grossman said the house isn’t situated as such that these panels could be installed on its roof. He is looking to install about 25 panels. Mr. Doherty said he seems to have plenty of land to do this.

Mr. Montbleau asked how much power that will give him for his home. Mr. Grossman said it is about 12 kilowatts, or about double what he is currently utilizing. Mr. Grossman said a portion will go back onto the grid and he will get a credit for the winter. Mr. Grossman said ultimately, they are hoping to set up to be able to charge electric cars. Mr. Grossman said he is trying to reduce the carbon footprint. Mr. Montbleau asked if would be able to run his house and an electric car off of 25 panels. Mr. Grossman said that was his understanding and it would be double his utilization. Mr. Montbleau asked him if he has an electric vehicle now. Mr. Grossman said no but is planning for the future.

Mr. Spottiswood asked if the cleared part of his land, where the tree farm is, is about 9.6 acres cleared. Mr. Grossman said the cleared part is about 6.5 acres, including the pond and the house. He said there’s about an acre behind the pond that is still wooded, and the rest is cleared. He said he has about 2.5 acres of trees and 3 or 4 acres in the back where he is letting trees come up naturally. Mr. Spottiswood said of that area, in the center where the rise is, how much of that land would be the panels. Mr. Grossman said the panels are about 4 x 7 each, so that times 25. Mr. Grossman said it is about five panels wide by four panels deep. Mr. Doherty said about a 25 x 50 foot area maybe. Mr. Doherty said the only reason this is before the board is because these panels would be going on the ground instead of the house. Mr. Doherty said per our regulations, we require a site plan review when the panels go on the ground instead of on the roof. Mr. Montbleau asked if the panels face southwest. Mr. Grossman said they will direct them according to the maximum exposure and will keep them as low as possible. Mr. Montbleau said the picture looks like it’s close to the wooded area. Mr. Grossman said there is conservation land between himself and the Golden Brook, of which there are 35 acres there. Mr. Grossman said the panels will go in the middle of the clearing from front to back. Mr. Montbleau asked what his sun exposure is, and how many hours. Mr. Grossman said it is open and gets about close to 10 hours a day of sun, depending on the time of year. Mr. Grossman said by about 9 AM the sun will be hitting the panels and continue until 4 PM or 5 PM.

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

Mr. Cote said the setback for the front property line says it’s 77 feet and asked if that is where the front of the arrays are going to be and was that on Windham Road. Mr. Grossman said he has a small, 100-yard access driveway from the road. Mr. Grossman said it’s between the Frost property and the road. Mr. Grossman said his extends to Hobbs by the creek. Mr. Grossman said he’s not sure where the 77 feet are measuring from. Mr. Cote said that was his question and is the property line set 77 feet from the front property line. Mr. Grossman said from the Frost property line to the array is probably going to be about 77 feet. Mr. Cote said it’s probably about 277 feet from the road. Mr. Grossman said yes and there are many trees between their properties, so it most likely will not be visible from the road.

Mr. Montbleau asked what the life expectancy is for these panels. Mr. Grossman said he believes it is 20-25 years and he is expected to break even on cost in about 10 years.

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

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

MOTION: (Mr. Cote/Mr. Montbleau) To approve this plan.

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

Mr. Lynde said it looks like it would take up a little less than half an acre. Mr. Lynde asked if the lot lines are not from the road but from the border of other houses. Mr. Grossman said that was correct. Mr. Grossman said it is closer to 150 feet from the line. Mr. Grossman said he asked them to place them in the middle.

PL2022-00016 (Map 6 Lot 4-189) Eversource Energy (PSNH) 326 Transmission Line (No street frontage, behind 139 Jeremy Hill Road, on Hudson town line) – Seeking approval of a Special Permit for temporary impact within the Wetland Conservation District, to replace a utility pole that has been subject to environmental damage, to ensure continued safety and reliability.

Ms. Masse-Quinn read the list of abutters.

Mr. Conor Madison from GZA introduced himself as well as he introduced Kurt Nelson from Eversource, licensing and permitting, and Ms. Morton from Eversource project services. Mr. Madison said this project is for structure maintenance along the 326-transmission line. Mr. Madison said they are seeking approval for a Special Use Permit for temporary wetland impact in the wetland district. Mr. Madison said they attended the last conservation commission, and he is hoping this board has received a letter as well. Mr. Doherty confirmed they had. Mr. Madison said they would also be filing a state wetland permit for this project and this board will be CC'd on the application and approval letter. Mr. Madison said they do qualify as a statutory parent by notification through the state because this is classified as a minimum impact project with only temporary wetland impacts. Mr. Madison said their scope of the work is a one structure replacement project, from wood to steel. Eversource inspects the lines every year and rates the structures every year. He said they try and replace the worst-rated structures. He said currently there is one needed replacement in Pelham. He said there's only a total of five structures in Pelham. He said they would come off of Bush Hill Road in Hudson, which is an already existing gravel road, and this goes all the way to structure 121. He said no roads would need to be installed and they would just cross over the temporary wetland areas. This is only a structure replacement, so they will not be adding any lines, cutting any trees or widening the right of way. He said as far as construction goes, they would adhere to the 2019 NH DES best management practices. What that entails is they would use appropriate erosion controls, silt fencing, clean timber matting, and have an environmental monitor on-site. He said they would also file an alteration of terrain permit through NH DES, and this involves a more stringent NH Fish and Game and Natural Heritage Bureau review. He said the start date would be in June and he said the conservation commission asked for construction sequences, which he can share as well.

Mr. Doherty said to make sure they clear enough impact so that our safety services can get to their workers if needed. Mr. Grossman said that is good to know and on the plans, there are site addresses but will make sure the street addresses are known and they will have a tailboard right at the center. Mr. Doherty appointed Mr. Thomas to vote on this plan.

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

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

Mr. Bergeron said they mentioned that conservation asked them for a sequence plan, but he wanted to know the timeframe. Mr. Madison said it's hard to tell as this is a very broad project, as it's in Hudson, Pelham, Litchfield, and Londonderry. Mr. Madison said they will start in June and don't have an end date. Mr. Nelson said the target is sometime this year before the end of the year.

Mr. Cote asked if they plan on giving the town a two-week notice before they start working. Ms. Morton said they will notify property owners about two weeks to a month in advance. Ms. Morton said there will be a point of contact with Eversource as well. Ms. Morton said she doesn't have a name yet, but they will reach out with all information regarding the project. Mr. Cote asked if the only access to this was through Hudson. Mr. Madison said yes, and they will stay within the right of way the entire way. Mr. Doherty opened it up to the public. No one spoke.

MOTION: (Mr. Montbleau/Mr. Bilapka) To approve the Special Permit.

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

DISCUSSION

Mr. Thomas asked Ms. Masse-Quinn to give an update on the master plan. Ms. Masse-Quinn said they had a second meeting with Resilience, and it was based on how to come up with certain things for outreach. Ms. Beauregard said they talked about existing conditions and changes within the last 20 years. Ms. Masse-Quinn said they talked about outreach to the public. Ms. Masse-Quinn said they talked about setting up site tables at our town events for residents to ask questions.

Mr. Thomas said that a CIP sub-committee needs to be formed by the end of June. He passed around the CIP from last year. He said the CIP process usually starts at the end of June or early July. He said tonight they need to discuss who will be the members and who will be the chair of the CIP committee. He said he has been the chair for the last two years. He gave out the assignments from the various boards. He said that Kevin Cote would be from the Board of Selectmen, Greg Smith from the budget committee, and Bob Sherman would be the alternate from the budget committee. He said letters would go out from all departments on June 1 with a return date of June 24. The CIP will then meet to review input, format it, and then by the middle of August, would bring it before the planning board. Once the planning board approves it, it then goes to the selectmen and then to the budget committee. That is then used for the 2023 budget. He said they are hoping to start this by July 7 or 8th, so it can be ready by mid-August. Mr. Doherty asked if anyone on the list wants to be kept on the list or be removed. Mr. Doherty said Mr. Lynde is now a planning board member and no longer a selectmen's representative. Mr. Doherty asked Mr. Lynde if he wanted to be on the CIP as a planning board member. Mr. Lynde asked if he would be accepted. Mr. Thomas said yes. Mr. Doherty asked if Mr. Bergeron would be willing to stay on. Mr. Bergeron said yes. Mr. Doherty asked if Ms. Masse-Quinn wanted to stay on and she said yes. Mr. Doherty asked Mr. Thomas if he would be willing to stay on as the chair. Mr. Thomas said yes, but he would like to offer it to anyone else that wanted it. Mr. Bergeron said Mr. Thomas is very good and very thorough at being the chair. Mr. Doherty agreed. Mr. Thomas said he would be the chair and said he already has the letter prepared that would go to the departments.

Mr. Cote asked if anyone has any ideas or alterations to the zoning ordinances and that we should start brainstorming those. He also asked about maybe creating a subcommittee for this. Mr. Bergeron said he had been talking to the planning director about minor changes to verbiage. Mr. Doherty asked Ms. Beauregard to check with Attorney Rattigan about streamlining the duplex to condo conversions. Mr. Bergeron said it appears when you read the statute, condominium conversions have to be granted by the planning board. Mr. Bergeron said the only exception would be if they don't meet current zoning or regulations. Mr. Bergeron said that we may have to readjust our zoning to accommodate that change.

Mr. Doherty said in our zoning we have to give a Special Use Permit. Mr. Doherty said we might have to change the zoning, so they don't need a Special Use Permit granted by the planning board. Then they could do it within the planning department. Mr. Cote asked if the board thought they may need something in the zoning for ground-mounted solar, as there is something in there for wind arrays, but nothing for solar arrays. Mr. Doherty said for the ground-mounted solar may need to come before this board due to the size and location of the panels on the land. Mr. Cote said there is nothing in our zoning that talks about a system-fed ground-mounted array versus a residential house-mounted array. Mr. Bergeron said it could come to affect the runoff if it was near a sensitive land area. Mr. Bergeron said maybe the best thing to do is to ask where the exceptions or problems have been with other towns or the NRPC. Mr. Bergeron said seeing large arrays, there are some good points dealing with those that may need to be addressed. Mr. Montbleau said the only downside he's heard of was solar reflections onto people's houses and this should be mitigated by the solar company by the way they are installed. Mr. Montbleau has had discussions with Mr. Gagnon about that. Mr. Doherty talked about not personally liking solar panels and his reasons why. Mr. Spottiswood asked if they could catch on fire. Mr. Doherty said yes. Mr. Lynde said that roof-mounted solar is more beneficial in the sense it feeds right into the grid and instead of getting paid for the kilowatts you produce, you also don't have to pay for transmission. He said instead of just getting energy written off, you can get all of those things written off. He said that's about a 50% improvement. Mr. Cote said the ground-mounted ones do that as well, as they can be grid-tied to your house and the grid. Mr. Cote said now there isn't any zoning that would require a residential ground-mounted array to be grid-tied to the residents that own it. Mr. Spottiswood said if you put it in, you'd have to have it tied to your house. Mr. Cote said yes to your house first. Mr. Bergeron said as opposed to commercial. Mr. Cote said we don't have any zoning that dictates commercial versus residential solar. Mr. Doherty didn't believe there was anything like that. Mr. Doherty said at some point it will be relevant. Mr. Cote said himself, Mr. Gagnon, Mr. Lynde, and Mr. Bressette were the original subcommittee trying to bring solar to the town. Mr. Cote said they looked at using townland to put a solar array, but they couldn't get an array to tie to the grid to reduce the cost to Pelham. Mr. Cote said the company wanted a place to put the panels and they'd pay Pelham a lease on the land. Mr. Cote said they wanted about \$10,000.00 a year to put in solar panels on about 5 acres of good farmland. Mr. Cote said it has been investigated and there are spots in Pelham to do this and tie it into a three-phase primary, which was a requirement.

ADJOURN

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

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

The meeting was adjourned at approximately 8:19 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary