

**APPROVED**

**TOWN OF PELHAM PLANNING BOARD  
MEETING MINUTES  
June 20, 2022**

Chairman Tim Doherty called the meeting to order at approximately 7:02 PM.

Ms. Masse-Quinn called the roll:

**PRESENT ROLL CALL:**

Tim Doherty – present  
Jim Bergeron - present  
Roger Montbleau – present  
Danielle Masse-Quinn – present  
Paddy Culbert - present  
Samuel Thomas - present  
John Spottiswood – present  
Jaie Bergeron – present  
Bruce Bilapka - present  
Joe Passamonte – present  
Kevin Cote - present  
Hal Lynde - present  
Scott Sawtelle - present  
Jenn Beauregard – present

**ABSENT/  
NOT PARTICIPATING:**

Jennifer Castles

**PLEDGE OF ALLEGIANCE**

Lead by the Boy Scouts.

**MEETING MINUTES**

Regarding the June 6, 2022, meeting minutes, Ms. Masse-Quinn had the following changes: Line 66 to add ‘stated’ before ‘this parcel’. Line 151, to change ‘508’ to ‘4,809’ regarding the wells, this was also stated on Line 213, as Ms. Beauregard corrected that number there. Line 181 to change the word ‘condo’s’ to ‘duplex’s’.

**MOTION:** (Mr. Montbleau/Mr. Passamonte) To approve the minutes of June 6, 2022, as amended.  
**VOTE:** (7-0-0) The motion carried.

**OLD BUSINESS**

**PL2022-00009 - Mendes, David – Map(s) 7 & 8 Lot(s) 9-94 & 9-95, 9-96-1, 9-135-3 - 51 Hayden Road – Seeking approval to consolidate 4-lots and then to re-subdivide into 15 single-family lots.**

Mr. Mendes has asked for a four-week continuance. Ms. Masse-Quinn said that would be August 15, 2022.

**PL2022-00006 – Mako Development LLC, Beechwood Road Extension (from Salem) – Map 18 Lot 12-16 – Seeking Planning Board approval of 15-lot subdivision to be built with no road access from the town of Pelham. The proposed access will be from Beechwood Road in Salem, NH.**

The applicant passed out new sets of plans for this case to the board members. Mr. Shayne Gendron from Herbert Associates introduced himself along with Attorney Panciocco, who represents the applicant, and Mr. Jeff Murphy, who is a fire engineer with SFC Engineering.

Mr. Gendron said they met with the Salem Planning Board on the previous Tuesday night. He said that the board voted unanimously to support the application the way it was presented as far as the adequacy of Beechwood Road to provide access into this project. Mr. Gendron said he's received comments from Mr. Keach from his review and he is willing to work with him on those. Mr. Gendron said he handed out a letter from an abutter in Methuen, who is more than happy to work with them on this project and make connectivity to Hampshire Road.

Mr. Doherty asked Mr. Keach to approach the board and review his letter. Mr. Steve Keach from Keach Nordstrom Associates introduced himself as Pelham's town engineer. His general comment number one is the necessary state permits and there are two of those. One states subdivision approval and the second is DES alteration and terrain permit. His second remark pertains to compliance with the land use regulations and that would be conditional upon the applicant providing a performance guarantee in an amount and form acceptable to the town. The third comment is to obtain comment from our fire department. The fourth comment is of statutory compliance and the applicant has appeared before the Salem Planning Board because this is subject to the provisions of RSA 674:53, land affected by municipal boundaries. In this case, that is Salem NH, and they are required to give their approval, which they already have given their approval. The fifth remark reflects the fact the proposed street networks are intended to be comprised of private ways. He likes to see a note for the plat with private ways to read the ways shown on this plat are intended by the applicant and the town of Pelham to be plated, constructed, and maintained as private ways. He said the purpose of that note is under NH common law, is any right of way showing a plat or plan is presumed to be public unless noted otherwise. This plan is intended to make it a private way.

Mr. Doherty said the RSA that requires the planning board to recommend a building permit on all lots to the Selectmen. Mr. Keach said that is RSA 674:41 and he will cover that. Mr. Keach said the second point would be the roads would be maintained by the builder until accepted as public, however, these roads would be private, so that note should be removed. The third point, which he spoke with Attorney Panciocco about, would be the additional infrastructures, such as the stormwater improvements that require periodic maintenance. He said the land under these would also be owned by the HOA and the 15 homeowners. He recommends that a condition of approval would be that the applicant submits homeowner association documents for the creation of mandatory membership and to include provisions for long-term maintenance of roads and infrastructure. He would like to see a draft of that for review. His final point would be the applicability of RSA 674:41, ID. Under that statute, it recites different types and quality of streets and private roads are one such quality. He said the Board of Selectmen authorizes the building inspector to issue such permits. A prerequisite is a notification being placed on record at the registry of deeds a hold harmless for emergency access. This is very common, and he assumes that Attorney Panciocco would petition the Board of Selectmen at the appropriate time to gain the required releases to issue the permits in bulk. He said as part of the process, this planning board ultimately can offer their comments to the Board of Selectmen. He said as far as zoning, in March of 2020, a variance was granted under ZBA case 2019-20-6, providing relief from the provision of Article III, Sections 307-13 B1 and 2 to permit street access accommodations on a private way whose sole means of access requires travel beyond the corporate boundaries of the town of Pelham. He wants a note acknowledging the existence of that variance added to the drawing. His second comment is for applicability of provisions of Article III, Sections 307-14, which requires all lots shall have at least 200 feet of continuous frontage on a public right of way. He said Ms. Beauregard can provide additional comments if there are any questions on that. He has stated all of this in his letter. The second zoning matter relates to two proposed

lots in the subdivision. He said Beechwood Road ends at a cul-de-sac in Salem and it plans to extend into the subject parcel in the westerly direction in appx. 300 feet before arriving at an intersection of streets, the north-south street being Nicole Circle. He said this creates a cross intersection and the plans don't contemplate the westerly leg extension of this plan. The plans don't call for the construction of that remaining distance of 300 feet to the west. There are two lots on the corner on the northwest and southwest corner of that four-way intersection. These two lots enjoy contiguous frontage on both Nicole Circle and the paper street along the southerly and northerly boundaries respectively. His recommendation to Ms. Beauregard is to offer a determination as to whether or not that arrangement of having less than 200 feet on an improved street satisfies the requirements of the zoning ordinance. His third remark under zoning concerns WCD impact and there are a series of three stormwater infiltration basins proposed throughout the site. Basins 1 and 2 partially encroach on the WCD, the 50-foot setback from wetlands. He said a special permit will be required for this and he assumes a request for that has been forwarded to the conservation commission for their review and comment.

He said under planning and design matters, he would characterize comments 1 and 2 as that type of comment. Comment number 3 indicates a cistern installation as planned, a 10,000-gallon cistern. He assumes this was a recommendation from the fire department. He would like the plans to identify where that cistern would be situated and define the lines of easement on which lot it will be located on.

Comment 4 is insignificant and comment 5 is a reminder that stamps need to be placed on final drawings. Comment 6 is a labeling concern on sheets 2 and 3. Sheets 4 and 5 are the subdivision plats that would be recorded upon approval. He said these are minor editorial marks. Sheets 8 and 9 depict the drainage improvements on six lots that would be encumbered by this. He would like the final plat to be equipped with drainage easements, so the homeowners have the right to go on there to do the maintenance. That is part of the MS4 requirements also. He said there is a note of the total area of the parcel prior to subdivision. The final item is a labeling issue he would like rechecked. The eighth comment was a result of locating the subject site himself. He said this is done via Beechwood Road in Salem, but within that street network about 1,000 feet. He said within the subdivision regulation we have provision for a maximum dead-end road length of 2,400 feet. He said that if the total length of Beechwood exceeds 1,400 feet, it may be necessary for the applicant to request a waiver if that is their read of the regulation. The regulations in Pelham don't contemplate a dead-end length comprised of two towns. He's not certain he has seen that before. He said Mr. Doherty needs to discuss that with the board if they feel a waiver is necessary for that. Comment 9 is that our subdivision regulations require each plated lot identification of a 15,000 square foot of a building envelope. He said it is apparent all of these lots have that, but Mr. Gendron needs to show that on his plan. He said on page 5, there is one lot, which is Lot 12 16-1 that doesn't have a 4K area because, in the area where the test pits were, there is a stormwater basin. He said he needs to dig a couple of pits. He said there is a very generous amount of test pits excavated on this site and the soils are quite good throughout. He said he is very confident that lots of 4K areas can be identified on that with little difficulty. The next bullet is the variations of well radius. He said several years ago when they updated the land use regulations, they stayed with the 75-foot well radius mirroring the state requirement. And we require that the well radius be situated not closer than 15 feet to an adjacent parcel boundary. So, in effect, we have a 90-foot radius. He said several lots need to be adjusted for this, but he believes it can be done with some lots being a bit tight. His final comment is on sheet 6 showing the location of driveways and there is one on lot 12-16-6 that is located within 100 feet of an intersection of streets, which is not desirable or permitted. He said Mr. Gendron will move that. The 10<sup>th</sup> remark deals with stormwater and one of the requirements is an operations and maintenance plan, per the MS4 obligation and he wants to see that. He said the fact that the O&M responsibility will be with the HOA rather than the public works department. He would like the HOA documents to reflect that. His second bullet said we are in the curve time where applicants haven't adjusted to the amendments to the stormwater regulations and there is a narrative that needs to be added and he wants them to check an elevation on one of them. His eleventh remark deals with every issue he has covered in reviewing the road plans. He said some bullets are minor edits. He said the third bullet from the end he recommends a vertical geometry, to reflect at Nicole and station number 3. When you enter from Beechwood Road, all

three legs of that intersection have been designed wisely to be stop conditioned. However, motorists can continue to Nicole Circle in a through pattern and that makes the intersection of Beechwood and Nicole applicable to the platform standards at the approach of an intersection and that may require minor adjustments. He would like to see underdrains installed at the edge of the road as well. The next bullet is for sight distance on sheets 14-17 and he asked that they be reconciled. The final remarks are very detailed of the typical cross-section on sheet 22. He said lastly on page 7, details on underdrain, driveway aprons, and individual cross-sections.

Mr. Bergeron commented that they have only seen his letter at the beginning of this meeting. Mr. Bergeron asked about potential future development with this subdivision to allow connectivity. He said Mr. Zohdi mentioned extending the water line and asked if Mr. Gendron knew anything about that. He also asked about the road traveling south to Methuen, was that proposed to be a plated road.

Mr. Gendron said at this point he is just showing a right of way. Mr. Bergeron said Mr. Keach did not address that condition then. Mr. Bergeron asked about the road going to the south and that there would be another two lots that may not have the 200 feet of frontage on an improved street.

Mr. Keach said returning to the southerly cul-de-sac, he believed each of those two lots because of the radius do have 200 feet of frontage, but they may want to check into that. Mr. Keach said he raised it the way he did because it talked about frontage on a right of way. Mr. Bergeron asked Mr. Keach if it was viable to get through the WCD by drawing a paper right of way. Mr. Keach said topographically it is not bad and if someone contemplated construction it would be necessary to obtain a special permit for impacts to the WCD for that and obtain a wetland permit. He also said this subdivision does not contemplate any physical wetland impact. Mr. Keach said his concern would be that the board would make that easy for the HOA documents to include that. Mr. Bergeron asked if there were any amortization on the plotted right of ways where they run out. Mr. Keach said on public right of ways, yes there are. He said at present, un-dedication of a public right of way can happen one of two ways and it depends on the calendar. He said the Board of Selectmen can hold a public hearing and declare public interest in it undedicated if it is 20 years. If it is less than 20 years, it can be done with the Board of Selectmen also, but in the case of a private way, there is no governing law. He said the HOA documents could make that possible. Mr. Bergeron asked if Mr. Keach had the letter from Blaise Coco, who he believed owned the lots to the south.

Mr. Cote asked Mr. Gendron why he decided to put in a gravel access drive. Mr. Gendron said it is provided for maintenance of the stormwater detention pond in the back. Mr. Cote said on sheet 10 of 35 and he asked what the lines were that went into lot 28. Mr. Keach said to turn to sheet 8 you'll see the gravel access drive and it parallels a swale and terminates to the north of the stormwater basin. Mr. Keach said a cross-section is provided on sheet 23 for that. He said it would appear to be lawn after it's complete and not gravel.

Mr. Doherty asked about the maintenance of the retention ponds and how that would work with private drives in the HOA documents. Mr. Doherty asked if the town could come in and maintain them and then bill the HOA. Mr. Keach said he has requested both an operation and maintenance plan under MS4 and HOA documents for that. He said most HOA documents have municipal remedies in them to permit such things. He said Attorney Panciocco could speak to that. Mr. Doherty asked if that is referenced on the plans. Mr. Keach said he would like the O&M referenced in bulk, and this would be recorded at the Registry of Deeds. He said he would leave the recording of the O&M manual up to the planning board and Attorney Rattigan.

Attorney Panciocco said there is a schedule of maintenance that is done every year and she usually puts it under the Board of Director responsibilities under the actual schedule in the HOA documents. She said those are read more frequently. She said the original would be filed at the Town Hall if someone were to need more in-depth specifications.

Mr. Montbleau asked Mr. Gendron if he was going to speak about water. Mr. Gendron said at this point he is still showing the lots with private wells. Mr. Gendron said they would like to bring public water in, but it hasn't been determined yet and they are still discussing that with Salem. Mr. Montbleau said Mr. Keach's review was stellar, and he feels better about this subdivision. Mr. Montbleau mentioned Mr.

Coco's letter and about the high connectivity for this property being a good thing. Mr. Montbleau also liked that the applicant had done their homework and had gone before the Salem board and got approvals. Mr. Montbleau said he is feeling good about the plan so far.

Mr. Doherty said he had a conversation with the fire chief about extending Pennichuck water into a development. Mr. Doherty said the fire chief said they would rather have sprinkler systems instead of cisterns. Mr. Doherty said if Salem says no to supplying these houses with water, would they allow the fire suppression system to be extended into this development. Mr. Gendron said they've already agreed to do sprinkler systems in these homes. He said that would happen even if they don't get water from Salem. Mr. Doherty asked if they could ask Salem to allow fire hydrants to be brought into the development. Mr. Doherty said that would also help with fighting fires if needed.

Mr. Montbleau said that with the vote from Salem, they've already talked to the fire chiefs, and they seem to not be concerned with any safety issues with either Pelham or Salem. He said he felt good about that. Mr. Doherty opened it up to the public.

Mr. Jeff Friar from 24 Beechwood Road, Salem introduced himself as an abutter. He said the police and fire chief were at the Salem Board meeting and there were discussions about safety. He said a red flag to him was if there was a waiver in a private HOA. He said if the Methuen route is viable, then can they use that for the access instead of going through Salem. He also asked if they could find another way through Pelham. He said another thing at the Salem board they spoke of was they were ruling on the impact to Beechwood only. His biggest concern is his house being at the bottom of Beechwood, the speed limit is 30 and when people come down to the cul-de-sac, his house is there. He also said someone in the meeting said this would put a car on the road every four minutes. He is concerned about traffic on the road. He did say the original plan for Beechwood Road was that the cul-de-sac may eventually turn into a straightaway. Mr. Doherty asked if the town of Salem would eliminate the cul-de-sac if this development went in. Mr. Friar said that was the original plan for Beechwood when he purchased his home, was that the cul-de-sac was only temporary.

Mr. Gendron said the cul-de-sac was only an easement on his property and the way the plan was approved in Salem was that was only a temporary cul-de-sac. Mr. Gendron said Mr. Friar would actually gain some land if this were to happen. Mr. Friar said Mr. DeRosa and him would need their driveways extended. Mr. Friar said his drainage is not good and the land around the cul-de-sac is all full of water. He said the house behind him has prime plus wetlands and he has a retention pond behind his house. He hopes that remains that way if this gets approved. He said he is much lower than this property and he is concerned about more water coming down into his property. He said the property with the prime wetlands is 11 Surrey Lane. His concern is the construction taking three to five years. He would prefer the straightway for the new road and he would like trees to be left between him and Mr. DeRosa's house and on the back end of the new lots.

Mr. Doherty asked Mr. Gendron if the plan years ago was planned for drainage when the cul-de-sac got removed. Mr. Gendron said yes it was and he said that was a big part of the discussion with Salem. He said there is a slope easement on his client's property that was given to Beechwood Road, and it was always planned for the cul-de-sac to go away. He said they would entertain a petition if the residents wanted to keep the cul-de-sac.

Mr. Doherty closed it to the public.

Mr. Cote asked Mr. Keach to elaborate on point number eight. Mr. Keach said it's on page 4 and he said in the land use regulation specifies that all dead-end streets shall terminate in a cul-de-sac design. He said the maximum length of any dead-end limit is 2,400 feet. He said the combined dead-end length of Beechwood and Nicole Circle do not approach this maximum combined length with the dead-end length of Beechwood Rd in Salem appears to exceed the specified maximum. He said they recommend a determination be made to determine whether or not a waiver of maximum dead-end cul-de-sac length should be sought. He said our land regulations are only for Pelham, not other communities. He said this is the first time he has dealt with this. He said it appears with the length of Beechwood, the dead-end length is well over 1400 feet. He said from Pelham it is approximately 1,000 feet maximum, with a combination of the two roads. He said he doesn't know if a waiver is required.

Mr. Gendron said Beechwood Road is 2,082 feet long, so 3,100 feet total from Beechwood to Silver brook intersection to our cul-de-sac. He said when this plan went to zoning, it was clear this was the path they were taking. He said it was clear to Salem that this made the most sense to make Beechwood Road the connecting road and that it was safe.

Mr. Keach said that anytime roads are turned into through roads, it always occurs incrementally. He said there is a Methuen connection and the extension of the paper street to the west. He said that could go down to Old Gage Hill Road. He wasn't aware of the distance of the road, and he said if a waiver was required it would be a reasonable request as everyone was aware this was what was planned from the beginning.

Mr. Doherty asked if Salem had peer review engineers or in-house engineers. Mr. Gendron said Mr. Keach would review their drainage. He said when they went in front of Salem, he offered our drainage plans to be reviewed by their engineers as well.

Mr. Keach had reviewed the drainage and he said to look at sheet 8 of the plans. He said west of the town boundary and the cul-de-sac at the end of Beechwood. He said to the left and right at the curb, the design engineers put in catch basins, and they drain to the north and there is a swale. He's not sure if that will help, but that will create a curtain. Mr. Doherty asked if Mr. Keach has driven by the site. Mr. Keach said no. Mr. Doherty said it is steep off that cul-de-sac into the existing property. Mr. Keach said those catch basins would help the lot on the right of the cul-de-sac. Mr. Gendron said they would extend Beechwood Road at the same grade as it is now. Mr. Keach said on page 6 of his report, he is asking for the underdrain to be built on both sides of Beechwood Road and that will lower the water table in the vicinity on the embankment. This will help the house on the left side of the cul-de-sac.

Mr. Bergeron asked if this increased the elevation and how they will handle that. Mr. Gendron said to look at the profile of the road and it is at 1% or almost flat coming into the subdivision. He said at station 40 that would pick up any water at that point. Mr. Bergeron asked if those two basins would flow in the northerly direction towards the retention pond. Mr. Gendron said yes. Mr. Bergeron said that is an important detail and to make sure all their engineering coincides.

Mr. Keach said for the benefit of the lot to the north of the cul-de-sac, these drainage improvements in Pelham will serve as a curtain to that lot. Mr. Bergeron said when this was developed, was the natural grade removed. Mr. Gendron said yes. Mr. Keach said it was probably cut into the water table. Mr. Gendron said there was about an 8-foot cut on that cul-de-sac.

Ms. Masse-Quinn asked if the Salem Planning Board has accepted Beechwood Road. Attorney Panciocco said it's in the process. Mr. Gendron said the town of Salem is waiting for an as-built and his office is preparing that. It is waiting on Selectmen's approval in Salem. Mr. Bergeron asked if Salem is waiting on an as-built. Mr. Gendron said they are waiting on an as-built before they take ownership. Attorney Panciocco said they have received the as-built. Mr. Gendron said any time a developer builds a road the town wants to see an as-built. Mr. Bergeron asked why he is stuck with this. Mr. Gendron said the developer hadn't finished everything they needed to for them to release the as-built. Mr. Bergeron asked if the excessive removal of grade fill was something he had to deal with after the fact. Mr. Gendron said when they designed Beechwood Road it was a hill and there are lots on the low side and lots on the high side. Mr. Gendron said it was the nature of the development.

Ms. Masse-Quinn asked if when the Salem planning board approved the Mako plan, were they limited in scope. Mr. Gendron said yes. Ms. Masse-Quinn asked if that was only in reference to street access and road impact. Mr. Gendron said yes. Mr. Keach said that is the extent of their purview.

Ms. Beauregard said she spoke with Ross Moldoff from Salem, and he had some questions about the drainage and the cul-de-sac on their side. She said he asked if the Pelham planning board could make a condition for requiring the removal of the cul-de-sac plantings and draining's, etc. She said she's not sure if this board can require improvement on a Salem road and he checked that there still is a road bond in place for Beechwood. She said he is aware there are easements on properties. She said his points were there were still some unresolved issues on the Salem end, even though they have approval for the connection.

Mr. Montbleau asked what Mr. Gendron wanted to do there. Mr. Gendron said it doesn't matter much to them if the cul-de-sac stays or goes, he's seen it go both ways. Mr. Montbleau asked how that can be resolved.

Mr. Doherty said his opinion would be to work with the abutters on the cul-de-sac to resolve the issues. Mr. Doherty said the abutter wanted the cul-de-sac to go away and he wanted the water problems solved in that process. Mr. Keach said it would be ideal if Mr. Gendron could close that gap and come in with a single proposal. Mr. Keach said to look at the cover sheet and on the left, you see a citation of two plan references. One is Silver brook crossing and that is the subdivision in question. Mr. Keach said that was set up to be a temporary cul-de-sac and, in the event, it is removed, it is set up the easements are to be extinguished. He said it doesn't obligate Pelham or Salem to do that, but it sets it up for that. He said the stakeholders are the abutters, Pelham and Salem DPW and there is a consensus that could be had there. He doesn't feel there are any constraints from what is at the registry. Attorney Panciocco agreed that there isn't. Mr. Keach encouraged someone to come up with a proposal.

Mr. Doherty asked about the frontage of the two lots on the cul-de-sac and if the cul-de-sac got removed, would they meet their zoning requirements for their frontage. Mr. Gendron said they would be fine and if you look at the recorded plan it would show that. He said the cul-de-sac is just an easement.

Mr. Bergeron said the elimination of a cul-de-sac would help to gain land to work with to take care of the sheet form. Mr. Keach said the Salem DPW would be a big player in this topic as Beechwood Road is a public road. Mr. Keach said the Salem DPW people are excellent to deal with. Mr. Gendron hasn't had a conversation recently with them but will talk with them. Mr. Keach said they are the largest stake holder for this.

Mr. Gendron said Mr. Murphy from SFC Engineering would like to answer questions. Mr. Jeff Murphy introduced himself as a fire protection engineer. He has been working on resolving the fire department access through Salem and working on the communication between the two departments. He said there was a letter from the chief that he provided to help with that. Ms. Beauregard said she did pass out the letter from highway safety, which she had passed out to the board members, and that ironed everything out.

Mr. Bergeron asked which chief Mr. Murphy was referring to. Mr. Murphy said it was the Pelham Fire chief. Mr. Bergeron asked Mr. Murphy if he could summarize that letter. Mr. Murphy said the resolution was a recognition that this development is in the town of Pelham, and it is the responsibility of the Pelham Fire department to be the primary, first responders. Due to the existing mutual aid agreements between all of the communities in the area, if there is a significant emergency event, the town of Pelham could request assistance from the town of Salem, as they would currently. If Salem could, then they would assist, as they do today. Mr. Bergeron asked if Chief Midgley discussed the route he would take. Mr. Murphy said he did not. Mr. Bergeron asked Ms. Beauregard if she knew the route. Ms. Beauregard said she did not know the route they would take, but it is in the highway safety letter. Ms. Beauregard said he confirmed Pelham would be the primary responders. Mr. Bergeron said Pelham would take longer than the national average of the time it would take to get there. Mr. Bergeron said we need to make aware of that. Mr. Murphy said whenever someone buys a home, they have an understanding of emergency response times. Mr. Murphy said it may be something new to Pelham if this is the furthest point in town. Mr. Murphy said you also can't guarantee the responder is even coming from the fire station. Mr. Bergeron said he thinks it's necessary to mention this publicly, so we can show this board is attempting to do their due diligence. Ms. Beauregard said she recalled Chief Midgley saying some parts of Pelham that would have a similar response time as this, but she is not speaking for him. She said although Pelham is the first responder, if the closest responder happens to be Salem, they said, then they will go if they can get there and are available.

Mr. Doherty said his concern is most fires in new homes occur during power outages, so their fire suppression systems won't work during a power outage. He said notably when you drive up this road you would see the fire hydrant and that was why he suggested Salem allow the water main to be brought up there into this neighborhood. He asked Mr. Gendron to find for sure out about the fire hydrants being extended.

Ms. Massee-Quinn asked if Mr. Murphy would be handling the sprinkler systems in the houses. Mr. Murphy said not at this time. He said residential sprinklers are installed by plumbers and they are NFPA compliant.

Mr. Gendron thought a 30-day extension would be good and he asked if the board wanted to see a waiver on the length of the roadway if that's what they want. Mr. Doherty feels that would be appropriate. Mr. Doherty said the ZBA already granted the variance. Mr. Bergeron said he doesn't feel like he needs that. Mr. Montbleau agrees with Mr. Bergeron. Mr. Passamonte agrees with Mr. Bergeron. Mr. Doherty said the board agreed that he does not need that waiver.

Ms. Massee-Quinn mentioned upcoming meetings and Mr. Gendron agreed to the August 1, 2022, meeting.

Mr. Bergeron asked if that would be enough time for Mr. Keach to do his review. Mr. Keach said he would figure something out.

## **NEW BUSINESS**

### **PL2022-00023 (Map 41 Lot 6-137) – 8 Pulpit Rock Road – Seeking approval for a minor Site Plan review to request a change in the hours of operation and to allow wood splitting on-site)**

Ms. Massee-Quinn read the list of abutters.

Ms. Sarah Beggan introduced herself as the owner of 8 Pulpit Rock Road and is requesting to extend her operating hours to 7-8 Monday to Friday and 8-5 on Saturday and as well as expand the scope of her property to include splitting wood. She also made minor updates to the site plan that dated back to 2007. She specified where the leach field was and some trees that are coming down. She said if they hire employees in the future, they want them to park in a different place and specified where a dumpster would go. She specified where a future retaining wall would go and if it was above four feet, she'll need to get a building plan as well as planting some bushes.

Mr. Doherty asked if the board members had any questions. Mr. Doherty opened it up to the public.

Ms. Barbara Nicholas introduced herself, as an abutter, living at 6 Pulpit Rock Road. She said she has concerns with the hour changes. She said there was a business there before with the hours being 8-5 and no weekends. She said there is a lot of residential homes there and she thinks that 7 AM is very early and if it got extended to 8 PM and Saturday would increase the noise in that area. She said in the application it talked about wood splitting and there are a lot of trees there now. She wants to know what wood splitting entails. She said this property is right next door to her.

Ms. Beggan said that the hours on Saturday currently are 8-1, so she would just be extending the hours. She said for the equipment, currently, they are running a \$5,000.00 log splitter, which is small. She said it is 37-ton and in the future, they may get a skid steer, which is similar to what Pro Turf uses. She said the logs are fairly large, but they've been cutting them with a 20-inch chainsaw. She said another abutter mentioned to her that he doesn't hear a ton of noise currently.

Ms. Nicholas said that Pro Turf is way behind her and there are rocks between them, and she rarely hears them. She said she is the closest neighbor to her, and Lori Lane is between them. She just wants to know what this business is going to turn into.

Ms. Beggan said in order to get wood out of the property, it would involve loading up a dump truck that would come in and out. She said they would split wood on the other side of the property, not next to this abutter. She said it would be near the side of her garage. She said she would potentially install evergreens around that garage. She said she will put bushes around where her house is.

Ms. Nicholas said she is more concerned with the noise and wants to know what kind of business this will be. She knows this is a commercially zoned area. She said she doesn't understand why an 8 AM start time is not sufficient like it's been for the last 40 years.

Mr. Doherty asked whether the applicant was a tree-cutting company or a landscaping company. Ms. Beggan said she hasn't opened a business in NH, but her vision is to open a wood-splitting business. Mr. Doherty asked how she would acquire the wood. Ms. Beggan said at one point she bought a grapple load

of wood to see what it was like, but since then she said they've been taking wood for free from a friend that cuts trees and he lives two minutes up the road. She said he drops the wood on her site. Mr. Doherty asked her if she has tree-cutting equipment to bring wood to her property. Ms. Beggan said no, and she doesn't intend to do that. Mr. Culbert asked if she had a 37-ton wood splitter and she said yes, and Mr. Culbert asked if she was going to go to a 60-ton wood splitter. She said she didn't specify that she was going to a 60-ton wood splitter and she's not sure where she'll go from here. Mr. Culbert said he has a 20-ton wood splitter and it's adequate. He said a 37-ton would be way adequate.

Ms. Nicholas said the wood is huge.

Mr. Montbleau asked if she was part of the Pro Turf company. Ms. Beggan said no. Mr. Montbleau asked if she was to the left of them. Ms. Beggan said if you turn left where the new gas station is, you see Pro Turf on your right and then Barbara's property and then Lori Lane, and then her house is immediately next to that and right where Arrow keeps their containers. Mr. Montbleau asked her if she lives in a newly rehabbed house and Ms. Beggan said yes and that corner of the property where her house is will only be residential. Mr. Montbleau asked what she is doing there presently. Ms. Beggan said right now she has wood there and a wood splitter there. She said she has just been splitting wood there and giving it away to try and build a client portfolio to open a wood-splitting business in Pelham to sell wood commercially. Mr. Montbleau asked if she cleared all the area back there. Ms. Beggan said yes, they cleared bushes and some trees. She said she's added fill to make her backyard level. Mr. Montbleau asked if she was just doing this with a chain saw and a wood splitter and she's got huge grapple loads of trees, then how does she intend to do this as a business unless she gears it up. He said there are machines that feeds wood through, like splitting and cutting, and is that where she is going with this. Ms. Beggan said she rented a machine to see how it would go and decided they didn't want to do that right now. She said the next option might be to buy a skid steer so that it's easier to maneuver to logs. Mr. Montbleau asked if that machine had a diesel engine. Ms. Beggan said correct. Mr. Montbleau asked her to describe this better for him. Ms. Beggan said she rented a log processor but decided not to go that way now. She said they might purchase a skid steer to make it easier to move logs around. She said as far as grapple loads of wood, they are gearing away from that because they have a friend that brings them wood for free. She said a log processor doesn't make sense at this time. Mr. Montbleau asked her to clarify this for him because she wants to do this as a business, but she is asking to extend her hours, which is a big extension without operating these machines that would make money. Ms. Beggan said she is asking to extend her operating hours because she personally wants to split wood. She said she works in Woburn until 3 PM so she doesn't have much time to do this when she gets back into Pelham. She understands if 7 AM is too early, she can go back to 8 AM. She just thought at some point if she hired an employee, they may want to work a 7-3 shift, rather than 8-4. Mr. Montbleau understood that picture now.

Ms. Nicholas made a point that this is being randomly explained to her and she doesn't have a clear focus on what it is going to be.

Mr. Cote said businesses evolve and this is how she is planning on starting her business. Mr. Cote explained what he thought Ms. Beggan was trying to do by starting this wood-splitting business. Ms. Nicholas said she is concerned about the noise. Mr. Cote said he thinks what she is trying to do are the right steps. Ms. Nicholas said she was thinking about how it will go along the years and how much equipment there will be there.

Mr. Culbert asked how big the skid steerer would be. Ms. Beggan said she doesn't know, but she and her boyfriend own a demolition company in Tewksbury, MA. She said if they bought a skid steerer it would be something that would accommodate both of their businesses. She said it would need to be on the lighter side.

Mr. Lynde asked if she cuts the wood into certain lengths. Ms. Beggan said yes. Mr. Lynde asked if she dumps the wood into a place and then dumps them onto a truck. Ms. Beggan said yes that was the goal. Mr. Lynde asked if she cuts the wood with a chainsaw. Ms. Beggan said yes, her boyfriend cuts the wood to be between 18 to 20 inches. Mr. Lynde asked how many hours a day they do this. Ms. Beggan said currently only for a maximum of an hour and fifteen minutes a day. She said she will stay until after 5:00 but will stay to organize logs, but she turns the machines off. She also said she is not there every day.

Mr. Passamonte asked what the name of the business is, and Ms. Beggan said she doesn't have one yet. Mr. Bergeron asked what the underlying district was there. Ms. Nicholas said she thought it was commercial zoned and industrial in the back. Ms. Beauregard said it is industrially zoned where Ms. Beggan is, and that property has a variance to operate a business there. Mr. Bergeron asked if both of these properties are zoned for business. Ms. Beauregard said yes. Mr. Bergeron said this property is .971 acres. Ms. Beggan said correct. Mr. Bergeron asked Ms. Nicholas if she can hear the log splitter now. Ms. Nicholas said yes, she can hear the humming of the machine. Mr. Bergeron asked her if this was also her home. Ms. Beggan said yes. Mr. Bergeron said there is a zoning ordinance in town regarding fumes, odors, and loud noises and they are subject to complaints. Mr. Bergeron said hours of operations are set at reasonable times. Mr. Bergeron said a chain saw is a very loud noise and they can decide on hours that are reasonable for a wood splitter versus hours for a chain saw.

Ms. Nicholas agreed but thought 7 AM was too early. She said an auto shop would start at 8 AM that was behind her, and she could hear that. Mr. Bergeron said he also has log splitters and said they are quiet. Ms. Nicholas said it's more when she is on her deck, and she can hear them working. Her concern is if it gets bigger over there.

Mr. Doherty talked about a previous case where load noises were cars and trucks driving down the roads.

Mr. Cote said this would be the perfect location to have this business as she is in the industrial zone. Mr. Bergeron said he thought that it is something to consider, but also listen to the abutter if the noise became obtrusive. Ms. Nicholas said she is not trying to stop this business; she is just concerned about the future. Mr. Bergeron said the code enforcement would address any issues. Ms. Nicholas just wanted to know what was involved. Mr. Doherty asked Ms. Beauregard if she's ever gotten a complaint from his own neighborhood about his log splitter or his bobcat and she said never. Ms. Nicholas said when they cleared their land, she never complained. Her point was to find out the intentions of this plan.

Mr. Doherty asked if the larger machines are hydraulic drives. Mr. Cote said yes. Mr. Bergeron said where this is a business district, we should give them the okay to do this.

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

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

Mr. Cote said he would like to go with an 8 AM start time on Monday through Saturday. Mr. Bergeron said that is not in line with that district. Mr. Bergeron said 7 AM is typical in the industrial business district.

Ms. Beggan said Arrow Container operates starting at 7 AM and they make a significant amount more noise when picking up their dumpsters. Mr. Bergeron agreed with that. Mr. Cote said as long as she is following the noise ordinance then they are fine. Mr. Doherty asked if they want 7-7. Ms. Beggan said she believes the noise ordinance is 11 PM. Ms. Beauregard said it is 10 PM but thought that was late to run a business and thought 7 PM was more reasonable. Mr. Bergeron said he would go with 7-8. Mr. Doherty was fine with that. Mr. Bergeron said Monday through Saturday. Mr. Doherty said Saturday is proposed from 8-5. Mr. Montbleau agreed with those hours, and he commended her for wanting to work that hard.

Ms. Beauregard said Monday through Saturday 7-8. Ms. Beauregard said that she wants to work 24/7 during storm events. Ms. Beggan said that was an oversight and that is for plowing snow only. She said they would need access to the yard during a storm to pick up the skid steer. Mr. Cote asked if this was during snow events only. Ms. Beggan said yes.

Mr. Culbert said he thought she said Saturday 8-5. Ms. Beggan said yes, but when the board was open to longer hours, she accepted that. She would like every day to be 7-8, but Saturday is not required.

Mr. Passamonte asked if her business is registered to operate without having a name. Ms. Beggan said that was a good question. Mr. Cote said she would need to register the business at an address. Mr. Passamonte said she is requesting business hours in an industrial zone, and she doesn't have a business name and isn't registered as a business.

Ms. Massee-Quinn said she has a home there as well as a combination in the industrial zone. Mr. Passamonte said she is asking as a business. Mr. Cote said if we permit her, then she can register her business. Mr. Bergeron asked if this business has come in on a complaint. Ms. Beauregard said she didn't know if it was a complaint, but she dealt with the code enforcement officer over there checking in on the hours of operations. Ms. Beggan said the code enforcement came out and the conversation was that the neighbor didn't think they had a plan to operate anything. She said the enforcer told them to go in front of the planning board.

Mr. Culbert said that he had to name a business and have an address first. Ms. Beggan said okay and that would be her next step. Ms. Beauregard said for her to call the secretary of the state's office and this board would provide to her what is needed.

Mr. Cote said she could open a DBA under her social. Ms. Massee-Quinn said she can have a sole proprietorship in NH. Mr. Cote said under the secretary of state you have to file business things and it gets complicated. Mr. Bergeron asked if they were considering six days between 7-8.

**MOTION:** (Mr. Passamonte/Mr. Bergeron) To approve the plan with the conditions stated.  
**VOTE:** (7-0-0) The motion carried.

### **DISCUSSION**

Mr. Thomas wanted to give an update on the Master Plan. He said they are addressing what Resilience is doing with their website and that will be available on our website. He said they are working on a flyer that will go out to residents. They will have a table at town events advertising the Master Plan's progress. He said the next items are natural resources and natural hazards and there needs to be language in there from the study from NRPC. He said under this, the aquifers and water resources will be covered. They are working on this right now. He said this board agreed that the subcommittee on the Master Plan will take into consideration making sure we have good language to protect natural resources and natural hazards. He said there was a document presented to us, that between April and October is existing condition analysis, and September to March, will be the outreach and engagement and the final development of the plan itself. That is where we are at this point in time. He said they don't have a school board representative at this time, and he is asking that we have a school board representative. They have a point of contact, but really need someone to be involved. He said they have not been successful with having any students agree to sit on the Master Plan at this time. He said he wants to meet with Mr. McGee in September, and he wants to sit with students, specifically juniors and seniors, and ask them why they don't want to be on this committee. He said they have an intern, and she has been attending and making contributions to the plan at this time.

Ms. Massee-Quinn said the main focus of the last meeting was to put together a community flyer. They've been working on their website and tables for events. She said they've been working on putting together some questions.

Mr. Thomas said they need to make sure the Master Plan has language that protects the aquifers. He said they would develop the verbiage at the subcommittee and then bring it back to the planning board to ensure it reflects what this board wants to do. Mr. Thomas showed the proposed flyer to the board.

Mr. Bergeron said at least six members of the planning board that are full-time members of the Master Plan committee and that's the best representation from this board. He said the natural hazards aspect in this town is flooding and he said the Selectmen will be able to add a lot to that for the time changes for the bridge schedules. He said if that money is guaranteed, then they have at least a 10-12-year solution. Mr. Jaie Bergeron said it would be hard to predict that, but the Main Street bridge is hopefully in the next 2-3 years.

Mr. Lynde said the money for that is now there. Mr. Jaie Bergeron said there was a warrant article to add more money to it, but then there was another amount of money coming from the feds, so they will use that money now. He said they will have to redo the process now if they use the federal money.

Mr. Thomas said he would like to add water and energy to the master plan and what has evolved, and they have a water commission, but don't have commissioners until tomorrow. He said there are at least three

people that are putting applications in. He said they started a month ago with the water issue, for the quantity and combined it with the quality of water. He said once the water commission is formed again, they would take responsibility for this. He said they will have a state-paid grant of up to \$50,000.00 and they will hire an engineering company to do a feasibility study in Pelham in terms of where there is water and where there is a lack of water and also the quality of water. This will affect the Master Plan along with electric, energy, and solar. The Master Plan is moving along swiftly with a good group of people working together.

Mr. Doherty said there is no other board with this many dedicated and consistent people and he said it has a lot to do with Ms. Beauregard's leadership in the planning department. He said she has exceeded the expectations and really has stepped up to the plate in her role. Mr. Doherty said this has been the best this board has been in many years. Mr. Montbleau agreed and said Ms. Beauregard has done a stellar job and said that Mr. Thomas was the right person to run the Master Plan committee as well. Mr. Thomas said the CIP document request for information is out and is due by June 24, 2022. Ms. Beauregard said they should probably start meeting the week after that. Mr. Thomas said the board of Selectman CIP review is on August 16, 2022, and the budget committee is on September 22, 2022.

### **ADJOURN**

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

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

The meeting was adjourned at approximately 9:53 PM.

Respectfully submitted,  
Jennifer Castles  
Recording Secretary