

APPROVED

**TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
October 24, 2022**

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

Mr. Bilapka called the roll:

PRESENT ROLL CALL:

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

ABSENT:

Danielle Masse-Quinn
Kevin Cote
Jen Castles

PLEDGE OF ALLEGIANCE

Mr. Doherty indicated Mr. Jaie Bergeron would be voting for the Selectmen and Mr. Culbert would be voting on the minutes.

MEETING MINUTES

Mr. Doherty asked if anyone had any changes to the minutes from the September 26, 2022 meeting minutes? No one had any changes or edits.

MOTION: (Mr. Montbleau/Mr. Passamonte) To approve the September 26, 2022 minutes as written.

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

Case PL2022-00029 (Map 1 Lot 5-107-3) MURPHY, Peter – 9 Dick Tracy Drive – Seeking Site Plan review for Phase II of project to add another building, 50' x 125', 6,250 sq.ft., to be used for contractor bay rentals.

Mr. Peter Murphy introduced himself as the property owner. Mr. Joe Coronati introduced himself as being with Jones & Beach Engineers, Inc.

Mr. Bilapka read the list of abutters.

Mr. Doherty said that Mr. Thomas would vote in place of Ms. Masse-Quinn.

Mr. Coronati said himself and Mr. Murphy were here three years ago. Mr. Coronati said Mr. Murphy is the owner of Family Paving and this company resides at 9 Dick Tracy Drive. Three years ago, they came for an expansion of the site. It was a 7500 s/f building added to the rear of the property. This was for contractor warehouse bays and units with a garage door and a pedestrian door. They also have mezzanines on the second floors that are used for contractors of the businesses.

Mr. Doherty said that Mr. Lynde is now present.

Mr. Coronati said Mr. Murphy is now starting work on this site and is renting all six bays that were approved as part of Phase I. Mr. Coronati said the building is up and they are working on getting paving, utilities and gravel. Mr. Coronati said Mr. Murphy is now looking for approval for Phase II. This building will be smaller at 50 x 125 feet long with a total of 6,250 s/f. this will have a similar type of use as the first building. The access for this building will be internal from the parking lot of the Phase I building. The end of the cul-de-sac at Dick Tracy will be the same. All of this work is happening out in the back of the site, and it is in the Industrial Zone and it's an allowed use. He said it's been designed in accordance with the last Phase, and this doesn't always fit in the parking calculations. He followed the recommended formula from the last Phase with this new Phase and they have met the parking requirements with the outside spaces. The building does have the potential to have interior garage spaces, but those would not be counted at this time. This new building will have its own septic system and its own drainage system that will be connected into the site drainage system. There is a storm tech detention pond designed under the parking lot, similar to the previous building. The water is coming from Pennichuck Water. They expanded and relocated the dumpster pad location to make that larger. The lighting is proposed to be from the building itself, there are no poles being used. The landscaping is minimal and only around the outskirts of the property, which is all industrial use. The southeast side of the property is zoned residential, and those houses are much higher than this site. There is one waiver for site-specific soils. This is the same waiver they asked for during the 2019 application and the reason is they don't require an alteration of terrain permit and the soils on this site are disturbed. This has been an active site that's had a construction company on it for years. The only state permit they need is a septic system permit for this site. He said that Mr. Keach has not yet reviewed this so there is no letter from Mr. Keach's office. He said Mr. Keach just received the escrow money today so he will begin his review.

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

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

Mr. Doherty said the applicant has asked for a waiver for the following Section 202-3.E (3)(a) (23) for site-specific soil mapping. He said the proposed development is already in the areas that are previously developed.

MOTION: (Mr. Montbleau/Mr. Passamonte) To accept the waiver for consideration.

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

Mr. Doherty opened this up to the public. No one spoke and he closed it to the public.

Mr. Montbleau asked if there would be any floor drains in this building? Mr. Murphy said no. Mr. Montbleau asked if all of the draining would go into its own septic? Mr. Murphy said yes, and everything gets cleaned out before it goes into a main drain, and it goes back into the woods. Mr. Montbleau asked if he had potential renters now? Mr. Murphy said not for this new phase. Mr. Montbleau asked what businesses are in the other buildings now? Mr. Murphy said one is a local septic guy, the others are a plumber, an electrician, a car detailer and another is a painter/carpenter. Mr. Murphy said he had that one all rented in about six days. Mr. Montbleau asked about the southeast side and the abutter David Recio (sp?) and he asked if there was a buffer there? Mr. Murphy said he is on the same level as them and his lot is large and is quite a ways away.

Mr. Culbert asked if he planned to expand his (unintelligible) business? Mr. Murphy said not in this economy. Mr. Culbert said hot-top is petroleum based and he would want to know where he would drain that? Mr. Murphy said once this building goes up the yard would be no more, and it will shrink his lot down. Mr. Murphy said this would be his active construction yard going forward.

Mr. Doherty said he would be more comfortable if Mr. Keach had given some input on the underground drainage.

Mr. Culbert recommended Mr. Keach approving this and looking at it first. Mr. Bilapka said he would like to hear from Mr. Keach. Mr. Montbleau said he agreed with the applicant and the economy. Mr. Montbleau said the engineer answered all of the normal questions and we could make this subject to a review by Mr. Keach on the drainage only. Mr. Doherty said we knew this was coming and he said he'd like to hear it from him too.

Ms. Beauregard said she thought it would be fine if this board decided to do a conditional approval pending a favorable review from Mr. Keach.

Mr. Culbert agreed with Ms. Beauregard.

MOTION: (Mr. Montbleau/Mr. Passamonte) To approve the waiver for Section 202-3.E (3)(a) (23) Site-specific soil mapping.

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

Ms. Beauregard said if we move forward she would recommend the same three conditions that were on his initial plan. They were:

1. Surety and escrow for plan compliance monitoring, as estimated by Keach/Nordstrom.
2. Letter from Steve Keach indicating his satisfaction with the final plan set
3. All tenant uses to be reviewed by the Zoning Administrator to confirm the use is allowed in the Industrial Zone along with review by the Building Inspector and Fire Department.

Mr. Jim Bergeron said the only change that was made was the waiver that the site would not be altered. He said they don't intend to do that and there was a grammatical error in the site specific. Mr. Coronati agreed.

MOTION: (Mr. Jim Bergeron/Mr. Montbleau) To conditionally approve the plan with the conditions read into the record.

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

Case PL2022-00030 – GENDRON, Pat & Kim – 579 Bridge Street – Map 22 Lot 8-85 – Conceptual discussion of a revised proposed 65-Unit apartment building.

Mr. Bilapka was asked by Mr. Doherty to read the list of abutters. Mr. Jim Bergeron asked if because this is conceptual, didn't we read the abutters before, is this a continuation? Mr. Doherty said it's under new business as a changed plan and it's conceptual. Ms. Beauregard said they did renotify. Mr. Bilapka read the list of abutters.

Mr. Bill Renaud introduced himself as the property owner. Mr. Maynard introduced himself with Benchmark, LLC. Mr. Chris Drescher, Attorney with Cronin, Bisson & Zalinsky representing the applicant introduced himself.

Mr. Renaud said they've been working on this project for a long time now and are excited about this new presentation. He wanted to thank the board for their time. He said he's put a team together and said they brought Pro-Con on board, and they are a 4th generation family owned, design build firm and the largest of their kind in the Northeast. They are based out of Hooksett NH. They've been voted the best architectural firm and have won many awards. He said he has brought on Michael DeAngelo, an architectural landscape designer on board. He said he will help this building blend in naturally with the road. He said Michael has won awards such as Best of Boston and New England Home Magazine.

Mr. Maynard said this property falls in the B5 zone and is over 40 acres. There is a single-family home on the lot owned by Mr. and Mrs. Gendron. That home will be subdivided off of this property with 14 acres retained with the home. The remaining 30 acres will be used for this development. They had soils and wetland work updated by Blue Moon Environmental. On site soils indicated Group 1 and 2 soils. The FEMA maps for this property show the hill in the center of the lot as a 100-year flood plain. They are working with the Federal Emergency Management Association on a LOMA for that because it's inaccurate. He said they wanted to come back one more time to ensure everyone is on the same page. He said to look at 307, 12 Table 1, multi-family projects in the B5 zone are an allowed use as long as you have a minimum of 3 acres of land. He said the way it works is that for every 10,000 s/f above that 3-acre requirement you get an additional bedroom. The first 3 acres gives you 10 bedrooms, with the land they have they end up with another 120 bedrooms for a total of 130 on the property. He said they've been to the Conservation Commission a few times and also did a site walk with them. As part of the first design, the area for frontage pushed the road into the wetland area with over 6,000 s/f of wetland filling impact to get the road into the property. At the site walk, the commission asked them to work with the neighbor to try and lessen that impact. He said Mr. Renaud talked to the neighbor and was able to acquire 1,000 s/f of their land and that would be part of this project. The 1,000 s/f area will allow them to totally eliminate any wetland impact for this project. There still is a WCD impact and there is a letter from the conservation commission asking them to put some of the backland into a conservation easement. The answer to that was no because zoning may change at some point and therefore, they want to leave the opportunity to see where it goes on that back side of this. There is about a 27,000 s/f WCD impact of the buffer. He said the landscape architect will talk about this when he speaks. He said when the main road comes in off of Rt. 38, that would be a 24-foot road to allow proper 2-way traffic. Mr. Doherty said it's Mark Charles Way and it's an apartment complex. Mr. Maynard said it's a private driveway.

He said when they get to the building, it would be a one-way situation around the structure. He said the driveway width would be reduced to 20 feet which helps to lessen the WCD impacts. He said the main road from Route 38, the left side would have a 2:1 side slope to minimize the WCD disturbance there. as part of that, there would be a guardrail needed there. He said they are looking to construct 65 units in this building. There will be 2 septic systems on the lot, one will handle 33 units and the other will handle 32 units. The design will be a clean-solution aeration design and there would be 8 separate fields and they would dose those in series as they go around for state approval. He said the drainage will be to get all the runoff toward the front along the side of the road. He said they will create a large infiltration pond to the right side of the access drive. The small storms will infiltrate in the ground and larger storms there would be an overflow pipe that would go under the proposed driveway and discharge to the wetland on the other side of this. There would be two waivers at this time. The first one deals with the tangent length between curves. Out to Route 38, the tangent requirement is 100 feet in the ordinance. He said it is 100 feet from the edge of right of way. He said if they were to do that, it would push the driveway out into the wetland, which they are trying to avoid. He said they are looking for a waiver of the tangent length. Their tangent, where the first curve starts is actually 75 feet back from the center line of the road. It's a 100-foot right of way and it is about 25 feet from the right of way where the tangent would turn.

The second waiver deals with when you have more than 20 parking spaces in an aisle width and there's a requirement there needs to be an island in the middle of it. There are three places on the plans he would be looking for this waiver. Two are along the southeasterly parking lot line. part of that area he has one that is 21 spaces instead of 20 and one that is 23 spaces. The other area where that would be required is on the south side of the building. He wanted to keep the parking close to the building, so there is a stretch with 41 parking spaces.

Mr. Doherty asked what the distance was from the edge of pavement on Bridge Street to where the state? Mr. Maynard said it's about 30 feet from the edge of pavement to the right of way line. Mr. Doherty said the first 40 feet would be on state? Mr. Maynard said yes and it's a wide right of way in that section. Mr. Doherty asked if the tangent length started at the edge of the state property or the edge of the paved? Mr. Maynard said in their ordinance it starts at the edge of the right of way. Mr. Renaud said it starts significantly into the property. Mr. Renaud said that would help them avoid any wetland impacts. Mr. Doherty asked if it was 40 feet? Mr. Maynard said it's 40 feet from the edge of pavement roughly to the edge of the right of way. Mr. Doherty said that's not included in the distance with the tangent? Mr. Maynard said in the ordinance, he's supposed to have a 100-foot tangent from the edge of the right of way into the property. Mr. Doherty asked what he had before he started? Mr. Maynard said he has about 25 feet. Mr. Doherty said when you add 40 it brings him up to 65 before it starts to turn from edge of pavement? Mr. Maynard said correct. Mr. Maynard said the road itself, DOT has strict requirements for road grades, so they have a platform at the top and then goes to a 5% grade for about 100 feet in, so there's a gradual landing at the top of this driveway before it goes onto Route 38. He said the curve will eliminate the wetland and it will be a traffic calming measure. Mr. Culbert asked how many parking places he has? Mr. Maynard said he has 139 shown on the plan. He needs 130 with the ordinance. Mr. Culbert asked if he has enough handicap parking for that? Mr. Culbert said per 25 parking places you need a handicap. Mr. Maynard said he has four or five on the plan and one spot he wants to add in the back. He said on the back of the building there is outside space associated with it and they've created a handicap accessible ramp to the parking lot, and he can put a couple more handicap spaces back there. in total there would

be about 8 handicap spaces. Mr. Culbert asked if he showed handicap access? Mr. Maynard asked what he meant? Mr. Culbert said ramps? Mr. Maynard said yes, there are ramps on the plan and will be detailed in the final submission.

Mr. Doherty opened it up to the public. No one spoke and Mr. Doherty closed it to the public. Eric Anderson introduced himself as an architect with Pro-Con, LLC in Hooksett, NH. He said they are handing out drawings for everyone to look at.

Mr. Montbleau asked about the detention pond, and he asked if it could be moved to the east a little?

Mr. Maynard said he can't move it to that side because he needs to get the water from one end to the other and he has some septic systems placed around the building. If he put it on the east, he would have to slide the building closer to the street. Also, the setback of the building is two times the height, so the building is just past the two times the height setback to the lot line. Mr. Maynard said we don't own that other piece of land near where the driveway is. That is the abutter that is letting Mr. Renaud purchase 1,000 s/f of his land so they can push the driveway east so they can avoid wetland impacts.

Mr. Andersen pointed out the building and he said it is set far back from the road with a lot of trees there. He said on page 3, by the entrance would show what the building would look like from the street. He said it would look like a traditional, white non-functioning gate. He showed some cobblestones, the driveway would be lined with trees and look like a country estate. On page 4 is a rendering of what you would see as you enter the driveway. You would see the basin there. on the left side there would be trees. He said the top floor would be black or dark to give the feeling of a roof and reduces the appearance of building height. Next would be at the end of the driveway, at the building, there are balconies on the 2nd and 3rd floors. He said the top floor is set back. He said the entrance is on the right side of the building, further down.

Mr. Montbleau asked how many entrances there were? Mr. Andersen said there's a main entrance and one behind it and two fire stairs on the back of the building. He said the main entrance is handicap accessible and the ramp in the back of the building. He said it is fully compliant with accessibility codes.

Mr. Montbleau asked about the view coming in and about the retaining wall and vegetation? Mr. Renaud said yes that would be it and Mr. Anderson already has a full-on landscaping plan already completed and these renderings are true.

Mr. Anderson said page 6 is the view of the main entrance. He said it is contemporary in form, but they would use traditional looking materials, such as clapboard siding, board and baton, cultured stone or granite at the base. On page 7 shows the back entrance with the ramp. This also takes you to an outdoor area with patio seating, barbeques, and a lawn. He said they will use high quality material all around the building. There will be some balconies on some units, but not all. He said they are proposing the siding to be traditional white. He said they have a materials board here, so anyone can see the samples he brought regarding the siding, clapboard, stone and wood for the underneath of the balconies. Mr. Doherty asked if that material was composite? Mr. Anderson said they are thinking cementitious, which is fire resistance, hardy plank material, but not real wood.

Michael D'Angelo the landscape designer spoke and said they wanted to give it a residential feel. The plantings would have regularity to them and along the driveway the trees would be planted at 30 feet on center. They would be a mix of deciduous trees. The slope along the side and they would plant that all with native shrubs and grasses. That will help with erosion control. The basin will not be planted, but the sides will be planted with a native seed mix to hold that slope.

Around the building, on page 5 and 6, he is trying to give privacy to residents on the ground floors. All the trees along the edge of the building are columnar in nature. In the amenity space on page 9, they'll have turf area with tables and grill areas.

Mr. Passamonte asked what the size of that is? Mr. D'Angelo said it's about 100 feet long and 35-40 feet wide. Mr. Renaud said about 95 feet wide and 35 feet deep.

Mr. Montbleau asked about the flowering trees on page 9, and are those actual? Mr. D'Angelo said yes, and he has images of those and showed them to the board. He showed the trees and shrubs they would use. He said he liked to have a good variety.

Mr. Doherty asked about the cornhole game and is that proposed to be an artificial turf there?

Mr. D'Angelo said ideally, it's artificial turf, but they don't think it would be that high traffic enough to have to be artificial. They haven't decided on that yet. Mr. Renaud said it might be a nice sod bed, depending on how much traffic they get. Mr. Doherty asked what section that would be? Mr. D'Angelo said off the main door of the building and if you take a right towards the handicap ramp. Mr. D'Angelo said page 2 shows an enlargement. Mr. Renaud said it's designed to come off the building's amenity space where there are lounge areas and storage so this exterior lines up with the interior amenity space. Mr. Doherty said the residents that live there can keep their bicycles on the lower level. Mr. Renaud said yes, and they moved the resident storage once they decided on where the outdoor amenities were. Mr. Renaud said it's been designed as an active building to engage the residents living there.

Mr. Renaud said these renderings are true to what they are proposing.

Mr. Culbert asked how high they plan to make these trees? Mr. D'Angelo said from day 1 they would be 2.5-3.0-inch caliper. So, 15-17-foot-tall trees. He said the shrubs would be 3–5-gallon shrubs.

Mr. Doherty said on page 9, he's looking at the grills and the double doors would be the bike storage? Mr. Renaud said yes.

Mr. Culbert said he wanted the trees 'identified' when they come back. Mr. Renaud said yes.

Mr. Thomas asked if this would be a gated community? Mr. Renaud said no. Mr. Anderson said that is just a decorative gate. Mr. Thomas asked if each unit would have fire suppression? Mr. Renaud said 100% sprinklered and life safety, up to code. Mr. Thomas asked what the square footage of each unit would be? Mr. Renaud said on average about 1,200. He said the smallest is about 1,100 and the largest is about 1,400 s/f. Mr. Thomas asked if Pennichuck has adequate supply of water? Mr. Renaud said Mr. Maynard is working to secure all of that with Pennichuck and the Fire Department. Mr. Renaud said the elevations are fine. Mr. Renaud said at this point they've been able to meet everything. Mr. Renaud said he thought they did a good job with blending this building into the environment and sit into the site.

Mr. Thomas asked where they plan to have snow removal? Mr. Renaud said they will create a spot around the dumpster pad and the retention pond. They may tweak the plantings a little to create more space for this.

Mr. Culbert said they won't be using salt? Mr. Renaud said of course not, they will use something specific due to their proximity to the wetlands.

Mr. Doherty asked if there was a plan in place for replacement of leach fields as they go bad, the EDA fields in particular? Mr. Maynard said there's roughly eight individual small systems on this that will be dosed between. It's an aeration system and the effluent that gets the leach field will be oxygen rich. Usually, septic's fail because they go anerobic. He has reserved areas around the property, if need be, but in general they will all be under parking areas. Mr. Doherty

said he mentioned they would go with a one-way traffic pattern. Mr. Maynard said right. Mr. Doherty said if they are going to replace an EDA in an area what is his thought?

Mr. Maynard said a lot of his systems are under parking spaces and if it has to be replaced, he can create a temporary bypass lane to get around it. They usually are replaced in the same locations, but he can modify that if needed. They will all be concrete chamber systems.

Mr. Doherty said in particular, the one that's in the northeast corner, do they have to be in that angle?

Mr. Maynard said they are designed based on the high elevation of the field and due to the nitrates, that come into play. In order to meet the setbacks, those had to be tweaked. If one of those had to be replaced, they could. If a replacement was needed, and inspections were set up, it could be done in about one day.

Mr. Culbert found it troubling about the conservation commission's request to upland development and the applicant said no. Mr. Culbert said if they don't change the zoning, do you adhere to no further building? Mr. Renaud said correct and if zoning stays that is a deed restriction. Mr. Culbert said if he has to use that for septic failure. Mr. Maynard said he could pump over there if that was the case. Mr. Culbert said and to not develop on it? Mr. Maynard said correct. Mr. Doherty said they can't develop over there because they've used the entire density. Mr. Renaud said they're not opposed the deed restriction and they want to have the same opportunity in town as everyone else has. Mr. Renaud said they are bringing to the board is the extent of the building on this land.

Mr. Culbert said he agrees this will be traumatic. Mr. Renaud said yes.

Mr. Passamonte said on the plan it shows 10 EDA boxes, are there going to be 10 or 8? Mr. Maynard said there are effluent disposal areas and there are 10 areas. There are 6 tanks with each system so there are ultimately 12 tanks and 10 field areas. Mr. Passamonte said if he comes back will he show all of that? Mr. Maynard said yes, he would have full blown septic design plans and probably be approved at that time.

Mr. Doherty read the letter from the conservation commission into the record. It talked about the site walk on 9/24/22. It discussed how the acres would be set up. It talked about a plan discussed on 9/14/22 had 6,000 s/f of wetland impact for driveway access. The developer has agreed to purchase the 1,000 s/f of abutting property, which will eliminate wetland impact. It talked about the tangent that was already spoken about by Mr. Maynard. Commission members said they appreciated the applicant's efforts to avoid the wetland. the project will also have 27100 s/f of WCD impact for the entrance road and associated grading. There will be approximately 750 s/f of WCD impact for the directional bore for the proposed water coming from Main Street. The commission members were concerned about the development on a 5-acre corner of this lot. Members of the commission asked the applicant to no future development on this lot even if zoning regulations change to allow further development. The applicant was unwilling to agree to lock up any back upland of this parcel. The commission voted 7-0-0 in opposition to this development as presented because of the 2/3 of an acre of WCD impact with too much impervious surface on a 5-acre lot with no mitigation by locking up part of all of the back land. The commission supports the movement of the driveway and the waiver for the 50-foot tangent.

Mr. Maynard said he wanted to talk about the last conservation meeting, and he talked to them about WCD impacts necessary for the extension of the water line. He said the biggest thing with that was there would be no wetland impacts with this. He had a meeting with the NH Wetlands Board and if they directional bore under Beaver Brook, there is no need for wetland impact for

that. He said they have spots under their frontage so they can avoid this impact. He said there would be 4 or 5 small places along Bridge Street that would have minor WCD impacts to get the directional boring machine in. Mr. Maynard said that would be temporary.

Mr. Culbert asked if he's identified those? Mr. Maynard said he has, but didn't bring that with him, but they will be part of the final plans.

Mr. Doherty asked if he would have to present that to the Water Commission? Mr. Maynard said he would have to go through to Pennichuck because they own the lines still. He said he may need Selectmen's approval for work on Main Street. When he hits Route 38, that's a DOT trench permit. He is already talking to them about that.

Mr. Jim Bergeron said the presentation by Pro-Con and the others were great, and the architecture is beautiful. He asked when they looked at the zoning ordinance and came back with this new plan. He plans to ask about the soils too. He talked about using the calculations of the DES regulations. He said Pelham has a difference with the DES rules and we don't recognize upland soils by wetlands. He said that resulted in building years ago and put in units. He said that has been changed. He said he talked to our chairman, and they agreed that exists in our zoning in the B5 district, he will likely be relieved with that and default back to the DES loading. He is looking at the conservation commission's request and he said they are not asking for anything too far out of the normal. He brought up the waivers needed, one for the tangent and the other for the parking spaces. He is wondering about 307-40, special permits. He said that was also in the conservation committee's letter about 2,700 s/f disruption of the WC district by the construction of an access, which is only by a special permit. He thought he did a good job with the plan with delineating the wetlands and the poor draining soils. He asked where the delineation line is, are you going to call those poorly drained soils?

Mr. Maynard said there are both poorly and very poorly on the property and they're both highlighted on the plan in orange. He said the wetland scientist gave them the very poorly and poorly limits and so they located those. The very poorly are not used in the calculations.

Mr. Jim Bergeron said in the setback to poorly and very poorly are separate setbacks, one being 50, the other being 75. Mr. Maynard said he is more than 75 from the very poorly and he's more than 50 to the poorly. Mr. Jim Bergeron said a lot is condensed in this small area and he can see why the conservation commission objected to the plan and to us granting waivers. He asked about 307-40 and the special permits he would need for the disruption of 2,700 s/f.

Mr. Maynard said he talked about the WCD impact about this. His first plan had over 30,000 s/f of WCD impact. At that meeting and after the site walk, they asked him to acquire land from the neighbor to avoid that wetland filling. He said that reduced the impact overall. Regarding the land in the back, but this project is a 30-acre lot and there is about 2% WCD impact for this project. He looks at the back land and doesn't know what can happen in the future, possibly Pelham could get sewer. He said the back land has some of the nicest soils he's seen in this area.

Mr. Jim Bergeron said the conservation committee is not recommending that this board does anything with this WCD impact. Mr. Jim Bergeron said the tangent talked about still needs to be reviewed by the town engineer. Mr. Maynard said we meet the DOT's 400 feet of sightline and we're over that. Mr. Jim Bergeron said there is a concern of the conservation commission of the WCD district.

Mr. Renaud said he doesn't want to say there is an unwillingness to work with the conservation.

Mr. Jim Bergeron said in the letter, it said the applicant was unwilling to the lock up. Mr.

Renaud said they were willing and did work with their suggestions. Mr. Renaud said when he purchased the neighbor's land, direct conversations with people on that board about the rear

WCD, they could slide the building to the north with buffer. Mr. Renaud said he was told that was a fair tradeoff. Mr. Renaud said what they are replanting is a better preserving of that area than what is there now. Mr. Renaud said they've made financial commitments and are trying the best they can. Mr. Jim Bergeron said he respects our conservation and that weighs on his mind. He said our highway safety committee has never let a project of this, there's a potential of 260 occupants. Mr. Renaud said yes, and he can get a better number. Mr. Jim Bergeron said other projects of a smaller size and there has always been a concern with a secondary access. He said that may be huge for this project to proceed.

Mr. Doherty asked at what point the fire department would give their input? Ms. Beauregard said they can reach out at any time.

Mr. Renaud said before any of this happened, he has had many conversations with the fire department. He said they've been firm on being 100% involved once building permits are received.

Mr. Jim Bergeron said he wanted to warn the folks about the heavy pushback from the conservation. He thinks it could be appropriate for him to discuss now with highway safety. Ms. Beauregard said she was going to say that, that the applicant should set up a highway safety meeting prior. Mr. Doherty said that would be appropriate to know what their thoughts are. Mr. Passamonte asked how far over does the driveway move to with the purchase of that land? Mr. Maynard said it is about 75 feet. Mr. Passamonte asked about the yellow that they purchased at the bottom, is that driveway 75 feet? Mr. Maynard said from where he was going to put it on his own frontage. Mr. Doherty said that pushed it towards Massachusetts by an additional 75 feet? Mr. Maynard said correct and puts him in the wetlands. He said the purchase of that 1,000 s/f it allows them to have no impacts if they can get the tangent waiver.

Mr. Doherty asked where the entrance is now on the drawing? Mr. Maynard said this is about 75-100 feet over from where the gate is. Mr. Maynard said there is utility pole there. Mr. Doherty asked if you're coming in now just south of the utility pole? Mr. Maynard said he is just east of the closest utility pole by about 30 feet. Mr. Maynard said the driveway where the gate is goes at an angle behind the pole and so it's an extension. Mr. Maynard said the hill in the middle of the property will come down.

Mr. Culbert asked if the applicant plans on developing the front 14 acres? Mr. Maynard said no, that 14 acres is going to stay with his home. Mr. Culbert asked if he's going to develop that? Mr. Maynard said he didn't know.

Mr. Passamonte asked about the excess drainage going into the wetlands? Mr. Maynard said the detention pond is it's an infiltration basin and the bottoms a sand filter. The smaller storms will infiltrate back into the ground. There's an outlet structure that'll go to an overflow pipe to a treatment swale on the other side of the driveway. Mr. Passamonte asked if he knew how many gallons that would be? Mr. Maynard said it would be no more than a predevelopment. Mr. Maynard said they are exceeding the capacity of the town and alteration of terrain rules of drainage (for both storage and infiltration).

Mr. Thomas asked if there would be sidewalks? Mr. Maynard said there is a walkway around the building.

Mr. Maynard said there would be curbing and a guardrail on the left side of the road.

Mr. Doherty asked if busing from the schools would come in and turn at the first parking lot or at Route 38? Mr. Maynard didn't know but thought the buses could drive through there without any issues. He didn't know what the school would do for this.

Ms. Beauregard said buses typically do not go on private road or drives.

Mr. Thomas asked (unintelligible)? Mr. Renaud said yes, the radius will be set.

Mr. Maynard said he is ready to start getting into drainage. Mr. Jim Bergeron said he needs to start preparing for a worst-case scenario with the conservation commission. Maybe he can make amends to that. Mr. Jim Bergeron said his loading is there and he thinks it's fair to side with the conservation commission.

Mr. Culbert said he is in agreement and he mentioned about the second egress.

Mr. Renaud said they're all happy with the general appearance. He said him, and Mr. Maynard will talk about site egress and WCD.

UPDATE

Ms. Kimberly Abare introduced herself as the Water Commission chair. She wanted to give an update on where the water commission is moving and what they've been doing. She said Mr. Thomas also sits on the water commission. She handed out two packets, both from Weston and Sampson Engineers. The water commission selected this engineering firm based on four different projects that they are doing in our backyard. She said they are contracting with them for a feasibility study so they can give us all options in Pelham. The primary concern of the water commission is the Spaulding Hill area, which includes, Spaulding Hill, Chardonay, Slavin, Scenic View, Nicholas, Marie Ave and Applewood. All of these communities have light to no water. the water commission issued a water survey about two weeks ago and that will close out on November 10. She said she has forwarded all of the responses to everyone's emails. The water commission will issue one warrant article in the amount of \$50,000.00 to cover this study if we don't get a state grant to pay for it. She said they will as a town have to put some money into this project. She said it will be substantial if the state will assist us with any grant. She recommends we should break this into two phases. The first phase with the communities she mentioned. Getting water across the town line from Hudson down Dracut Road and Phase II would be to get water to the rest of Pelham. She has drafted a letter to the Planning Board to start considering impact fees for all developers in Pelham to be collected on behalf of water so we can continue to expand whatever water we bring to Pelham. She said we would want to bring from two different sources, but we'll have to rely on Weston and Sampson and their feasibility study including potential development of our own aquifer. She said she received a complaint from a resident of a pressure washing incident over the aquifer. She said she contacted and worked with Planning to get a case number on this. She has learned there are aquifer safety ordinances and residents need to be aware of these. She said the commission is moving forward rapidly and they understand the concern for the Spaulding Hill residents and the pending development of potentially two more lots. She said there needs to be more inspecting of well reports prior to releasing bonds and they also are learning that reports being submitted are from a third party instead of the builder's well company.

Mr. Thomas pointed out that Weston and Sampson will help with the writing of the grants to the state.

Mr. Doherty asked Ms. Beauregard to look at the impact fees and the procedures and to run it by legal to see if it can be done on a timeline basis or a regional basis?

Mr. Jim Bergeron asked if we want to ask NH Municipal association how we can an impact fee kicked off? He is personally backing the idea of an impact fee.

Ms. Beauregard said it is six years.

Mr. Jim Bergeron said it all has to come together as one package and impact fees are an excellent idea. He asked how the board feels about getting this going right away?

Mr. Doherty didn't recall what the procedure is. Ms. Beauregard said she didn't know the exact procedure, but she knew there was a study done by Marc (unintelligible) who figured out how much the projects would need for impact fees. She said we'd have to ask legal how to start. She said it would be both legal and NH Municipal association.

Mr. Culbert said at the time it was \$2,500.00 per lot.

Ms. Abare said she made some calls about impact fees. She called Salem and they don't have impact fees for water. She received Haverhill MA for water and it's \$3,500.00 per lot currently. She said she can share that with Ms. Beauregard in her office.

Mr. Montbleau asked if those fees were for town water where they have a system? Ms. Abare said Haverhill MA? Mr. Montbleau said they are asking for impact fees to support the system they have? Ms. Abare said correct. Mr. Montbleau said we don't have a system and that is a big number if we don't have a water system.

Ms. Abare said our hope is to bring water across the state line and down Sherburne. She said she's had questions about connecting to Dracut MA and she says that's a viable option, however that is MA, and she has a business in MA and it's a nightmare dealing with any government agency including the department of environmental services. She said she thinks they would slow us down and we could lose a year or two trying to do that. She said Hudson would be the most viable option for Phase I. Phase II would maybe be a combination of Salem, our aquifer, or Dracut.

Mr. Montbleau asked if we looked at Tyngsboro? Ms. Abare said Tyngsboro gets their water from Dracut. Mr. Doherty said Dracut gets its water from Lowell.

Ms. Abare wanted to assure this team they are moving rapidly.

Mr. Montbleau asked what the power washing problem was? Ms. Abare said it's 141 Main Street. Ms. Abare said tractor-trailers were being power washed with some chemicals. She received a complaint from a resident a month ago. She wasn't able to call Planning to do any testing because it would've been long gone. She said there was a code report written to make sure the aquifer is protected. She has since confirmed that this property is not on the aquifer, it is on the 'edge' of the aquifer. Ms. Beauregard said that property had a condition they are not to power wash on that site, and she didn't think they were currently doing that.

Mr. Montbleau asked what location was that? Ms. Beauregard said it was 139 Main Street and there are storage units there and it was before this board about a year ago.

Ms. Beauregard asked about water tests coming in the Planning board for new construction and does she have a copy of our well ordinance? She said it has to be collected by a well-tested company if they failed then they have to have another test done by another company.

Ms. Abare said she wanted to work together on that. She also said for residents in these areas have paperwork that said they were getting four gallons a minute, but they are getting less. She also said there is a 10-month lead time on the ductile iron (DI) main pipe that we would need for water. that's why the timeline is tight. She said the American Rescues Act will complicate this and money will be coming through meaning the entire country will be calling on this supply. She said Mr. Thomas will be making some phone calls on that lead time. Mr. Thomas said for DI pipe. Mr. Thomas said they were talking about Pennichuck and bringing water to the Sherburne line is about 1.6 miles and the cost was about \$300.00 and \$350.00 per lineal foot. Which translates to about \$1.848 million per mile.

Mr. Passamonte asked about when taking this impact fee, who will own the water lines? Ms. Abare said currently Pennichuck owns the water lines unless we make a change to eliminate Pennichuck per a RSA law. We can eliminate them, but they currently own 11 miles of pipe

underneath our soil. She is waiting on a price from them, but this pipe is 50 years old now meaning it has 30 years left. Prior to Pennichuck, whoever laid the pipe laid it on hard gravel and rock and that's why we are getting pinholes and leaks. There are some decisions to be made before laying any pipe. She said we would be signing on to Pennichuck for their pricing as well. She said there is another option, and we could get out of the Pennichuck contract and use Pennichuck service. This would be like a water department at our fingertips, but we still have to pay for the 11 miles. The cost of the entire project to bring water across town lines and get it to the Spaulding Hill area is going to intersect with the cost of buying Pennichuck out and she's not sure where those costs go yet.

Mr. Thomas said about the 11 miles, if you had to rehabilitate is different from replacing. He said if you were to put new pipe in the ground for 11 miles, that would be \$22,176,00.00 just as pipe replacement. It may be better to keep using Pennichuck and figure out how to decrease their costs that they charge their customers.

Mr. Passamonte asked if these pipes fail, does Pennichuck own them? Mr. Thomas said yes, and Ms. Abare said correct. Ms. Abare said they just replaced 10 feet of leaking pipe on Vassar Drive. She said with developers, we want to make sure we are asking for 12-inch pipe for certain areas, down Route 38 for example.

Mr. Jim Bergeron said he attended one water commission meeting. He said Weston and Sampson talked about doing all the legwork for us. He asked someone to explain the options that are being talked about. He said Hudson has their own water system that is not owned by Pennichuck. He said that may be the quickest and easiest place to attach to come into Pelham where our residents are suffering. He said tomorrow night at the Selectmen's meeting they are talking about the feasibility study.

Mr. Doherty said there is a feasibility study going to happen. Ms. Abare said this study is \$67,000.00 for them to write on paper what the options are. Mr. Doherty asked if that money has been appropriated? Ms. Abare will ask the state for a \$50,000.00 grant and she needs \$17,000.00 more and will ask the Selectmen for that tomorrow night. On top of that, she will file a warrant article to assure if we don't get the grant. The bonus is we engage Weston and Sampson now, they start working for us now. After that they can negotiate with Hudson. Mr. Doherty said that's not a go yet. Mr. Jim Bergeron said the energy we put into this will help launch this.

Mr. Doherty said he understands but there's still more that needs to go into this. Until Weston and Sampson tells us where it will come from, we don't know.

Mr. Jim Bergeron said we will need to add \$17,000.00 to the grant. He asked how the warrant article would get triggered? Ms. Abare said warrant articles are due to the Selectmen's office by the end of the week. She said October 31 is the deadline.

Ms. Abare said she doesn't know where the water will come from, but they are moving forward to find this out. Mr. Doherty agreed, but not every detail at this time.

Mr. Jim Bergeron said Mr. Montbleau lives in that area of Spaulding Hill Road.

Mr. Doherty asked Ms. Abare how long it would take to talk about Hudson? Ms. Abare said she doesn't have any more information tonight. Mr. Jim Bergeron said there is a MA, NH and a Pennichuck side to all of this.

Mr. Culbert asked if we have four wells at the bottom of Sherburne Road? Mr. Thomas said there are two.

Mr. Doherty said we have to get Weston and Sampson money so they can do a study, so they can tell us where we can get the water from, correct? Ms. Abare said yes.

Mr. Spottiswood asked if this was just for developers using Pennichuck water and it's not for him building a new home on his property? Mr. Doherty said yes it would be an impact fee and it's for everyone. Mr. Doherty said regardless of if you are using Pennichuck or not. There would be an impact fee. Mr. Spottiswood asked what happens if he had to drill a new well? Ms. Abare said new development that they are brining water to. She said if water is brought to this Spaulding Hill area and these other two parcels coming up in front of this board, they want to lean on the developers to pay the money.

Mr. Doherty said he asked Ms. Beauregard to look into the procedure with legal to see what it will affect about the impact fees.

Mr. Jim Bergeron said if you build a house and paid every impact fee, it has to be done that way.

Ms. Beauregard said they have two things; one is an impact fee and an impact fee enabling ordinance. She said the Sherburne/Mammoth Road fund is an exaction treated as an impact fee and it's a little different. She said they just charged the developers in that area that would be contributing to the traffic in the area. She would ask legal about that.

Mr. Passamonte asked if this would be an impact fee on any development in Pelham? Ms. Beauregard said she believed that's how it would work.

Mr. Passamonte asked how that would work on multi-units? Ms. Beauregard said there's a study that's done and there's a fee schedule with multi units. Mr. Passamonte asked if it would be \$3,500.00 per unit? Ms. Beauregard said she wouldn't know and there would have to be a study done to determine that cost.

Mr. Bilapka asked if it is residential and commercial buildings? She said that would depend and she said right now they still collect impact fees such as high school and that is just residential, new homes, not on commercial.

Mr. Lynde said they had developers in Sherburne Road doing tests on well water and they said it passed and he doesn't know how it passed because it didn't. He said the town has to demand any time a developer does this someone has to make sure it's done correctly. He said we have to make sure nothing like this happens again with developments.

ADMINISTRATIVE

Map 22 Lot 7-1 DC Development & Construction – The Pines Subdivision – Request for Maintenance Bond to be released in full.

Mr. Doherty said there is a letter in the file from Jeff Quirk, Keach Nordstrom. The Board of Selectmen have accepted Evergreen Avenue on October 12, 2021 per recommendation of Jeff Quirk. Jeff and road agent, Jim Hoffman, performed an inspection on September 30 and both agreed the project was finished and the road is in good condition. The original bond \$39,344.38 was the first reduction, approved by the board was for \$27,729.38. There was another \$7,000.00 reduction, \$647.50. They retained \$3,967.50. The full release would be that amount. It's now being requested by the applicant and recommended by Jeff Quirk. There is also a letter from Steve Keach saying there are no defects found and the project has been complete for more than a year. They recommend the maintenance guarantee be returned in full at this time. There is a copy of the inspection report, the pavement has no cracks, the drainage is working as designed, and open spaces are neatly trimmed and well maintained. That was from Jim Hoffman, the highway agent. There is an authorization reduction release to the town treasurer form. Mr. Doherty asked if anyone had any questions or concerns about releasing this bond in full? Ms. Beauregard said this is already an accepted town road and they kept a 10% maintenance bond for one year. This went how it should go and everything looks good.

MOTION: (Mr. Montbleau/Mr. Passamonte) To release the bond.

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

Mr. Doherty announced a 10-minute recess.

DISCUSSION

Mr. Doherty said we will have a discussion on zoning. He asked Ms. Beauregard if she knows if any changes have been made to the draft solar ordinance? Ms. Beauregard said everyone should have the most recent one that she's received. She said this is in everyone's packets. Mr.

Doherty said we won't discuss that because it's very similar to what it was. Mr. Doherty said that Mr. Jim Bergeron told him he would have to do something with the water shed protection ordinance. Mr. Doherty said he put a draft together for everyone to look at. He said he has also made some changes of his own. On page 2, on the non-point source pollution, after the word 'seepage' he thinks it should say 'septic seepage'. Then where it says 'finally depositing them into lakes' we don't have lakes or rivers, so it should be changed 'into our ponds and streams and then wetlands'. The next sentence down, where it talks about pesticides, it should say 'human and animal waste' on that line. On the next page, he asked Mr. Jim Bergeron to pay attention to: general, where it says septic systems. And look at the setbacks and hydric soils and he asked him if he could take that paragraph and see if the soils have the right wording? Mr. Jim Bergeron said he would, and he asked if they could change the acronym to match what the state DES have to ISDS (individual septic disposal systems) instead of EDS. Mr. Doherty asked him to reword the whole paragraph. The next paragraph where it says, 'water courses' second to the last sentence should say 'property owner shall not cause a water course that enters their property'. Next paragraph down under 'ground water flow' on the second to last sentence where it says, 'with drainage piping' put a comma and add the words 'crushed stone base' and change the word 'property' to 'ground'. The next paragraph where it says, 'peer review' take that paragraph and move it down where it says 'conditional approvals' change that to 'conditions for approval'. After those words that where the peer review would go.

In the peer review paragraph, he proposed the following changes: scratch out the words 'initial review'. Add the word 'also'. Cross out the words 'this zoning' and add 'the final approval'. The next paragraph, should say 'precedent to the issuance of a conditional use permit'. Because we don't issue building permits. Same thing on the next paragraph down, delete the word 'building permit' and change it to 'conditional use permit'.

Mr. Doherty said if everyone agrees, he can type up the changes he just proposed. Mr. Doherty asked Mr. Jim Bergeron to review the septic systems paragraph. Mr. Jim Bergeron said he would like to see his draft first. Mr. Jim Bergeron said the setbacks may be more stringent than the states and we can do that. Mr. Doherty said he thought they were. Mr. Jim Bergeron said he would research it. Mr. Doherty said on the first page it said the more stringent law shall govern. Mr. Doherty said when it starts off 'pursuant to RSA 674-21 innovative land use' Windham does their ordinance as innovative land use so he assumed it's been tested many times. He said by having a conditional use permit he believed it would get the ZBA out to grant variances if we were to propose this and it passed. He said the way it's worded will affect lots that don't have any dwellings on them around the ponds and watersheds. And ones that are seasonal use that want to convert to year-round. He said if the ordinance isn't perfect, because it's innovative land use and we can always tweak it on the fly.

Ms. Beauregard asked if he is saying that the watershed area is all properties within 1,500 feet? Mr. Doherty said yes. Ms. Beauregard asked if those would come to the Planning Board, anything beyond that would require zoning? Mr. Doherty said if they were smaller lots that weren't built on yet or substandard lots or seasonal. Mr. Doherty said the board can make it whatever they want when it goes in front of a public session and goes on the ballot. He said it will come up quick. Mr. Doherty said that's an arbitrary number he pulled out of thin air. He said Windham goes much further out and they talk about all properties. Mr. Doherty said the properties that aren't developed, or seasonal that are going to year-round seem to be the most problematic for the town. He said the ZBA didn't seem to be doing an adequate job from what this board has been seeing and what the Selectmen have been seeing. He said this board's been in agreement that something has to be done. He thinks innovative land use may be the way because putting together a 30-page ordinance would be difficult.

Mr. Bilapka said we can always add to it. Mr. Bilapka asked if on these lots, will that include public and private roads within that 1,500 feet?

Mr. Doherty said yes, this has nothing to do with the road type. He said we can change some definitions if we need to. He said this applies to the vacant lots of record and about seasonal dwellings.

Mr. Bilapka asked about Long Pond? Mr. Doherty asked if there were any substandard lots or seasonal properties there? He said if there's a way to find that out then we could potentially make this apply to Long Pond as well.

Ms. Beauregard said she'll talk to the assessor and find that out (about substandard and seasonal lots).

Mr. Bilapka said they are labeled on the tax map. Mr. Doherty mentioned the items that are needed to be a year-round home versus seasonal. Mr. Doherty said there are no real set standards as to what they need to become year-round. Mr. Doherty said there is a paper in front of the door, someone can pay \$50.00 to get a permit and they can change their home from seasonal to year-round.

Mr. Passamonte asked if this applied to people that want to upgrade their houses from 800 to 1,400 s/f? Mr. Doherty said if you have a dwelling you are living in, then this ordinance has nothing to do with that. Mr. Passamonte asked if they want to upgrade it to 1,400 s/f. Mr. Doherty said that is through the ZBA. Mr. Doherty said the planning board could take all of those people but that would be a lot of work. Mr. Bilapka said we can always add to it.

Mr. Doherty said if they are on substandard lots on private roads, we deal with them and we become advisory to the selectmen and then it ends up in court. Mr. Doherty said this ordinance could potentially eliminate the court part of it. And we wouldn't have to worry about the ZBA not being able to horse trade because they can't. If it's innovative land use, the planning board can do the right thing. He said to read the purpose and intent to see if everyone agrees with it.

Mr. Doherty asked Ms. Beauregard how much time do we have to do something? Ms.

Beauregard didn't have the schedule but thinks the first public hearing should be the second meeting in December and we would want to send this to legal prior to that. She said if we could finalize things in the next two meetings, we should be able to get them to legal and back in time and have one more work session before the first public hearing.

Mr. Doherty asked everyone to read this and get back to himself or Ms. Beauregard. Mr.

Bilapka asked if he wanted to add anything to it or leave it as is for now?

Mr. Doherty said he already made his suggestions.

Mr. Jim Bergeron said he has a lot of questions. He said on the applicability, is he saying this is just for seasonal dwellings? He said it reads that way. Mr. Doherty said yes, so substandard lots and non-conforming lots with seasonal dwellings.

Mr. Jim Bergeron asked what the difference is between substandard lots and non-conforming lots? Mr. Doherty said it shows that in the definitions. Mr. Jim Bergeron asked about meeting average minimum area and dimensional requirements when created? Mr. Doherty said if it wasn't created legally, it's just a lot of land, it's not substandard lot. A substandard lot if a lot of record. Mr. Doherty spoke of a plan that came in front of this board previously. He said most of the land in the watershed we are trying to protect are parts of old developments where there are plans showing these lots. Some lots were underwater and never were developed and they are stray lots. He said people are trying to build on these lots and they have no guidance and the ZBA can't apply guidance, only variances. Mr. Jim Bergeron said he spent time today with the head of the department of environmental services in NH and they have non-buildable lots defined in the code of administrative rules. He said there's a set of guidelines for these lots. He said any lot under 20,000 feet is non-buildable in the eyes of the department of environmental services. He is wondering where the mathematical science is.

Mr. Doherty said if he went back to state law being more stringent on page 1, then if someone comes in and we apply that state law then we need to bring that up. Right now, when it goes in front of the ZBA, no one would apply that. At a Planning Board level, we could apply that state law. He said we don't need to have that in our zoning.

Mr. Jim Bergeron asked if we should reference that? Mr. Doherty said we would have zoning and accompanied regulations to assure preservation of these areas. We will have site plan review if we passed this zoning, and everything doesn't go into zoning. That's why we have site plan reviews too.

Mr. Jim Bergeron said innovative land use is between zoning and land use regulations.

Mr. Doherty said page 3 under regulations shows where that would fall under.

Mr. Jim Bergeron asked if this was taken from any other town?

Mr. Doherty said yes, and a lot of these ideas came from Windham.

Ms. Beauregard talked to Windham and said this is good but is more basic than what Windham has. Mr. Doherty said he wanted to focus on what the worst is happening to the watersheds around our ponds. He said that would be a good start. Ms. Beauregard said it is a good start and she said the zoning board looks at different things than the planning board does. She said the planning board has the ability to get into more things like septic issues.

Mr. Doherty said the zoning is in place to create a variance if you meet the certain five criteria.

Mr. Bilapka said they can only look at that and can't deal with anything else.

Mr. Doherty said you end up with a systematic failure of the watershed around the ponds.

Mr. Bilapka asked what would happen if the town ever needed that water for a supply?

Mr. Doherty said he doesn't want to see this board deal with every property around the ponds because those people have vested rights, but that's not what this ordinance is about. This is strictly where people are not living and it's to protect the people that already live there. he said he notices where variances are granted, they get a building permit and build a huge building and it passes inspections. He said you end up with three story buildings. Mr. Bilapka said it creates more runoff. Mr. Doherty said this talks about water flowing through the ground.

Mr. Doherty said anyone with comments to send them to him or to Ms. Beauregard.

Mr. Jim Bergeron said they talked about 307-13, lot size requirements and they were going to make changes there. He recommended the s/f gets changed to reflect the reality. In 43-560-87-

120, the 217,800 stays there. He will work on a red line change with Ms. Beauregard. He said this is on page 7. Ms. Beauregard said he was going to take being able to include the WCD setback into the minimum lot size requirement.

Mr. Jim Bergeron said that was going to come out and the last sentence would read the following areas shall not be counted in the computation of the required minimum square footage of non-wetland area requirements. He said go to the 2 acres and 5 acres because the WCD is coming out and that has to be the new lot size. He said that is just fairness. He said in paragraph 7, to go to a 4-foot natural overlay which coincides with stone and pipe septic systems, and you have to have 4 feet of natural cover, so you won't use anything less than that to compute minimum lot sizes. He said on page 23, 307-41, this doesn't match the state about poorly drained soils. Mr. Doherty said on the state, poorly drained soils is 50 feet and very poorly drained is 75 feet. Mr. Jim Bergeron said the 75 number could stay. Mr. Doherty said that should be updated to change the 25 to 50 and the 50 to 75. Mr. Jim Bergeron said that would bring it in line with DES.

ADJOURN

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

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

The meeting was adjourned at approximately 10:19 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary