

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
April 17th, 2023**

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

Secretary Danielle Masse-Quinn called roll:

PRESENT ROLL CALL: Tim Doherty – present
James Bergeron – present
Roger Montbleau – present
Danielle Masse-Quinn – present
Joe Passamonte – present
Bruce Bilapka – present
Selectmen’s Representative Charlene Takesian – *was not present for roll call; arrived at approximately 7:02 PM*
Selectmen’s Alternate Representative Jaie Bergeron - present
Alternate Paddy Culbert - present
Alternate Hal Lynde – *was not present for roll call; arrived at approximately 7:02 PM*
Alternate John Spottiswood – present
Planning Director/Zoning Administrator Jennifer Beauregard – present
Recording Secretary Heidi Zagorski – present

ABSENT /
NOT PARTICIPATING: Alternate Samuel Thomas
Alternate Scott Sawtelle

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Mr. Tim Doherty read a letter from Lisa Corbin of 655 Bridge Street to formally withdraw the lot line adjustment portion of the application from Case #PL2022-00040.

MEETING MINUTES

The Board members had no changes or revisions to the April 3rd, 2023 meeting minutes.

MOTION: (Masse-Quinn/Montbleau) To approve the April 3rd, 2023 meeting minutes as written.
VOTE: (7-0-0) The motion carried.

NEW BUSINESS

Case #PL2023-00010
Map 16 Lot 13-84

NEW ENGLAND PENTECOSTAL – 955 Bridge Street - Seeking Site Plan review for a change of use of a portion of the existing building from a childcare business (King's Kids) to a wellness and recreation center (Bishop Stanley & Ruth Choate Wellness and Recreation Center).

Ms. Danielle Masse-Quinn read the list of abutters.

Pastor Lee Choate introduced himself as the Senior Pastor of New England Pentecostal Ministries and Ms. Audrey Frater, represents New England Pentecostal Ministries.

Pastor Choate explained they are about to change over what is now King's Kids to a youth center called Bishops Stanley & Ruth Choate Youth & Recreational Center. He stated they are here to discuss the change of operations. Pastor Choate introduced Ms. Frater as the Project Coordinator.

Ms. Frater explained that King's Kids has been operating for about 19 years in the building. She said as they realized they must close the doors of King's Kids due to staffing shortages and now that the town of Pelham offers full-time kindergarten, their services for full-day kindergarten have changed. Ms. Frater explained they wanted to continue to be of service in the town with a passion for working with the youth. She stated they are looking to open a youth center that would serve youth from the ages of eleven to twenty-one. She wanted to create programs for after-school and summer months. The areas of focus would be academics, mental health, and recreation. She stated they intend to staff the center with UMASS Lowell students and NCAA athletes to teach athletics. Ms. Frater concluded they would like to begin this summer of 2023.

Mr. Roger Montbleau asked if this would be like a Boys and Girls Club theme. Ms. Frater said no because this center would have a focus on mental health as part of the package offered. She added they plan to have a full-time clinical social worker offering support groups for depression and anxiety for example.

Mr. Montbleau asked if a full background check would be performed on all employees. Ms. Frater said absolutely.

Mr. Joe Passamonte asked if this program would also be open to surrounding communities. Ms. Frater said yes. She stated the focus right now is Pelham and eventually plans to speak with other communities to join.

Mr. Paddy Culbert asked what kind of mental health help would be offered. Ms. Frater said they will have qualified and certified people working with the youth on the mental health side. She added the UMASS Lowell students will be mostly instructors for the athletics and academic tutors.

Mr. Culbert asked what the mental health student-to-teacher ratio would be. Pastor Choate stated at this point they do not have the numbers and will rely on specialists in the mental health field to advise on this. Mr. Culbert asked if there would be New Hampshire-based communities attending the center. Ms. Frater replied that it would be communities from the surrounding towns of Pelham including Massachusetts. Pastor Choate stated that Pelham would be their first focus before expanding to other communities.

Ms. Masse-Quinn said she believed there is a lack of a social gathering space in town for children between 11-21 years of age. She stated she is in favor of this plan.

Mr. James Bergeron asked what the maximum capacity would be within the building. Ms. Frater answered the gymnasium area has a 350-person capacity. She added they have approximately five classrooms from where King's Kids operated, and the church's lower level has an additional five classrooms and a large common area. Pastor Choate stated they are still working on how many kids they would be able to accommodate.

Ms. Charlene Takesian asked what will be offered outside. Ms. Frater said at the back of the church they would have things set up like volleyball, and possibly a splash pad. Pastor Choate added that primarily most of the activities will be inside. Ms. Takesian asked if there would be lights outside in the evening hours. Pastor Choate said they have two lights in the back now and plan to have the youth center programs ending at approximately 7 PM. Ms. Frater said there would not be any late activities happening outside at night.

Ms. Takesian asked if there would be any governing agency that would oversee guidelines at the center. Ms. Frater said she did not believe they are required to, however, are looking into this. She stated they want to follow every guideline available for the plan they are proposing and would like this to be an alliance of all entities available in Pelham.

Ms. Jennifer Beauregard explained that if anything were to proceed to happen outside like a splash pad or courts, it is something that should come back before the Board to allow abutters to be notified. Pastor Choate agreed to this.

Mr. Tim Doherty opened the discussion to the public.

Mr. Bill Scanzani introduced himself from 1 Victoria Circle. He said he has written an article about the Church and the proposed plan coming out in the May Pelham Evergreen issue. He said he likes the approach to mental health included and it is a great opportunity for the town of Pelham. He added that any subsidiary program that can help the community in the mental health area is great.

As no one else came forward from the public Mr. Doherty closed the discussion to the public.

Mr. Doherty asked what the hours of operation would be. Ms. Frater replied that for the summer the hours would be 9 AM – 7 PM. During the school season, the hours would be out of school hours, approximately 3 PM-7 PM.

Mr. Jaie Bergeron asked how the process of membership or funding would work. Ms. Frater stated they would have a membership fee for the summer and a membership fee for the school year. The mental health support groups would be included in the membership. She added the additional programs would be offered at an individual price.

MOTION: (Masse-Quinn/Passamonte) To approve the use change for the proposed plan.

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

OLD BUSINESS

Case #PL2022-00040

Map 22 Lots 8-39 & 8-85

CORBIN, Lisa – 655 Bridge Street and GENDRON, Patrick & Kim – 579 Bridge Street - Seeking approval of a lot line adjustment between Map 22 Lots 8-39 and 8-85, and subdivide lot 8-85 into 2 lots. The existing house (on Lot 8-85) will remain on a 14-ac lot, and a 65-unit apartment building is proposed on the remaining 30.5 acres for which a separate Site Plan application has been submitted. The owner (Lisa Corbin) has withdrawn the lot line adjustment portion of this application

Ms. Masse-Quinn confirmed Lisa Corbin withdrew the lot line adjustment portion of the PL2022-00040 application.

Case #PL2022-00041

Map 22 Lot 8-85-1

BRIDGESIDE COMMONS, LLC – 579 Bridge Street - Seeking Site Plan review for a 65-unit apartment building on a 30.5-acre parcel subdivided off of the parent lot where the existing house will remain on 14 acres.

Mr. Joe Maynard from Benchmark, LLC introduced himself along with Mr. Bill Renaud who is the developer of the property, and Mr. Chris Drescher from Cronin, Bisson & Zalinsky representing Bridgeside Commons, LLC.

Mr. Maynard explained that this project has two components: the first is a lot line subdivision of the property. He stated this is a 44-acre piece of property that will be divided into two separate lots. The existing home that sits on the southwest side of the property will remain within about 14 acres of land. The new lot will be a little over 30 acres and will be the 65-unit apartment building.

Mr. Maynard explained the three waivers associated with this plan. One waiver refers to overhead wires. He stated the new lot created for the apartment building will have all wires underground. He added that there are some overhead wires that go underground to the existing home on the other side of the property. He is asking for a waiver for a topographical plan being that there is a separate set of fully detailed plans that are part of the site plan, and testing logs for the existing house that already has a State approved septic associated with it.

Mr. Maynard said the second part of the application deals with the development of this property into a 65-unit apartment building. He said the property does fall in the B5 zone. He said this property in general is sandy soils, deep water tables, etc., and good soil conditions for any kind of development from a septic standpoint. Mr. Maynard said the 30 acres that will be developed are broken into two parts. There is a small section along Route 38 where the development would go. That area is about 5 acres in size. There is a large wetland complex and then another developable area in the back. He added that they are using the entire property in their calculation for the 65 units, as the zoning stands today, there is nothing that can be done on the other side of the brook. The development is on the Rte. 38 side. Mr. Maynard also pointed out there is some floodplain associated with this piece of property. They are in the process of going through LOMA to remove some of this land from the 100-year floodplain.

Mr. Maynard explained they applied for several permits associated with the proposed development. The Alteration of Terrain (AOT) approved the proposed work. As part of the Alteration of Terrain application, it was vetted through the Wildlife Division of the State of New Hampshire and Fish and Game. He said both departments had the opportunity to discuss the design of the drainage system and the impacts associated with buffers. He said they put their recommendations forward to the Alteration of Terrain division and ultimately approved this project.

Mr. Maynard said they do have two separate septic system approvals for the proposed property which are dosing systems. There are tanks associated with one field and tanks associated with another field. He said there are twelve individual fields throughout the property that the pump system will cycle through. Therefore, it is a smaller dose for each field. He said the Department of Environmental Services (DES) has approved this design which is a clean solution design so there is a pre-treatment component that is associated with it.

Mr. Maynard stated they are working through DOT right now with a few outstanding comments to address through them. He is hoping to see the DOT approval come through over the next month.

Mr. Maynard said they are working with Pennichuck Water Works for the extension of the water main. Pennichuck is in the process of finalizing the criteria for what they will give for fire protection.

Mr. Maynard said the drainage for this site is being handled in two locations. The first location is close to Rte. 38 which is a large infiltration pond.

Mr. Maynard moved on to discuss the waivers of the proposed plan. Mr. Maynard said one waiver regarding the

tangent length of the straightaway coming in from the road, was deemed not necessary under Mr. Steve Keach's prior review because it was a private side and not a town road. The second waiver deals with having more than 20 parking spaces in a row. Mr. Maynard said this was originally proposed to have three separate areas and they re-designed it per Mr. Keach's comments to include one location for parking against the building. They added green islands and space islands where the original two parking areas were. Mr. Maynard said the last waiver deals with pipe cover. He said the pipe cover is necessary because as the drainage comes around the building and minimizes the disturbance with the Wetland Conservation District (WCD), they are trying to minimize the filling in that area.

Mr. Maynard stated as part of the site plan review, and the special permit, the neighbor withdrew their support for the sale of the 1000 square feet they were looking to purchase. The design moved from 28,000 to 29,000 disturbance in the WCD. Mr. Maynard continued to explain that 18,500 of that disturbance will be replanted. Mr. Maynard stated that Michael D'Angelo Landscape Architecture LLC did the extensive landscape plan of this property.

Mr. Maynard explained that Mr. Bill Renaud worked with PROCON Construction on the building design. PROCON worked with the landscape architect and the renderings done are a 1:1 comparison of the proposed landscaping that would be installed. Mr. Maynard stated that Mr. Keach had comments in his memo from April 5th, 2023, and Mr. Maynard believes they will be able to address them.

Mr. Bill Renaud stated he would like to provide a summary of the project as it has been a while since last before the Board and had been a while since the project started in general. He said that when this project started it was up to a 90-unit project with 20% workforce housing and around 220 bedrooms. Following a previous Board meeting, Mr. Renaud stated they immediately lowered the proposed density to 67 units with 20% workforce housing and 134 bedrooms, and a commercial component. Mr. Renaud stated that after the first meeting, they brought forward a different commercial component with fields and a church. Mr. Renaud explained after the third meeting, following advice from the Board, they have come forward with a 65-unit market 2-bedroom apartment building plan. He added this plan has about 50% less density than the first original proposed plan.

Mr. Renaud stated they have spent numerous meetings with the Planning Board and the Conservation Commission discussing density, and septic loading. He stated he is hoping with the AOT and DES permit that they can move beyond these discussions and focus on the positive things of this project.

Mr. Renaud stated the Conservation Commission had concerns following the initial site walk of the property. Mr. Renaud stated to mitigate those concerns, they tried to purchase land and created an extremely dense landscaping plan. Mr. Renaud added that the Conservation Committee still had difficulty approving the plan based on the 10,000sf. of permanent buffer impact that they were going to have. Mr. Renaud stated they offered 88,000sf., approximately 2 acres in a permanent conservation easement. The Conservation Board held firm and required a minimum of 660,000sf., approximately 15 acres of the back portion of the property to be placed in an easement. Mr. Renaud explained he respectfully disagreed with the Conservation Board's opinion. He explained the project will have 26 acres of open space and they would be developing less than 5 acres.

Mr. Renaud said he went before the Highway Safety Department to gain approval. Mr. Renaud said they received unanimous approval of the site plan and the project as a whole. He further explained that this project would generate over 300,000 dollars a year for the town. He explained the substantial amount of revenue that could be produced for the town through the proposed building plan.

Mr. Renaud stated they would be extending the water main onto Bridge Street. He said they are starting the process of offering a solution to help ease the water problem. He added this would be a big step in expanding the infrastructure allowing the ability to branch off in the future.

Mr. Renaud stated what may be the greatest impact this project could have on the town is the facilitation of growth.

Mr. Doherty asked Mr. Maynard about the pre-treatment system on the septic. Mr. Maynard explained they are using clean solution technology, which is an aeration system. Mr. Maynard said there are four tanks associated with the clean solution component with approximately 20 compressors in each system that will produce the biological oxygen demand within the tanks. He explained it is a much less strength of effluent that will get put into the individual systems throughout the property. It is a pre-treatment measure. Mr. Doherty asked how does the field placement differ regarding longevity and replacement needs? Mr. Maynard confirmed they are underground under the parking lot. Mr. Maynard said that with the clean solution technology, the fields will last almost indefinitely if those compressors are running. He continued explaining that a maintenance contract is associated with the AOS system. He said every year, they will perform chemical testing of the tanks and will produce a report that goes to the State including a functioning and maintenance report.

Mr. Culbert asked if there is a one-way in and one-way out of the proposed design. Mr. Maynard explained the main entrance from Rte. 38 is a 24 ft. wide two-lane road. Once you are at the building, there is a 20 ft. one-way driveway around it. Mr. Renaud added that the Highway Safety Department approved the layout.

Mr. Montbleau stated he would like to hear the opinion on the proposed plan from Mr. Steve Keach.

Mr. Passamonte asked if there was a letter from the Highway Safety Department. Ms. Beauregard read a paragraph from the Highway Safety Committee, January 31st, 2023 meeting minutes regarding this. It read as follows: “Map 22 Lot 8-85-1 - 579 Bridge Street - Bridgeside Commons - Mr. Bill Renaud, the developer of the property proposing a 65-unit apartment building (who was not present), had previously submitted 3 choices for the driveway/roadway name leading into the project from Rte. 38. Of the three, the committee unanimously agreed on “Hudson Way”. Chief Midgley also asked Mr. Maynard about the progress of the pressurized waterline extension, Mr. Maynard said he is still working on the design and that it is not finalized yet. Chief Midgley instructed Mr. Maynard that he should work with Fire Inspector John Hodge regarding the placement of hydrants when the time comes. Mr. Maynard agreed to do so. The committee has no issues with this project and agrees that the waterline extension is a good thing for the town.”

Mr. Passamonte asked more about the comments on the fire lanes, sprinkler system, and hydrants. Mr. Passamonte requested a written letter from the Highway Safety Department confirming their approval of the proposed plan.

Mr. Jaie Bergeron asked for an update on the school bus plan as it was previously a concern whether the school bus could pull into a private road and if the school bus could stop on Rte. 38. Mr. Renaud said they have discussed this with the Department of Transportation (DOT) and are waiting for their final approval. Mr. Renaud said they discussed this with the Department of Safety and said they are already stopping on Rte. 38.

Mr. Steve Keach from Keach-Nordstrom Associates, Inc. introduced himself. He explained that the Board has a letter dated April 5th, 2023 which is the second letter report he has done on this application. Mr. Keach stated the earlier report is from February 20th, 2023. He stated the design team and Mr. Maynard responded to the letter with subsequent submittal and the letter that Mr. Keach wrote on April 5th corresponds with the most recent project plans.

Mr. Keach stated that in this letter he offered remarks on the subdivision piece. The applicant seeks approval to subdivide 14.05 acres, upon which Mr. Gendron’s house is situated, would subdivide off with a 44.65-acre parent parcel at 579 Bridge Street to create a 30.60-acre out parcel that is the subject of the site plan. He added that his remarks on this two-lot subdivision are minor. Mr. Keach confirmed his support for the approval of the waiver regarding above-ground utilities, topography, and test pits. He stated that the remaining items on the two-lot subdivision are “dotting I’s and crossing T’s”.

Mr. Keach moved on to discuss the site plan application. He stated this project necessitates a series of state permits and the only one outstanding at this time is the DOT driveway permit. Mr. Keach said an AOT permit has been issued and DES construction was approved for each of the two septic systems that have been issued.

Mr. Keach explained he recommended the applicant confirm Pennichuck's ability and intent to both extend the public utility system and water supply to satisfy the domestic and fire protection needs.

Mr. Keach stated that if this application is approved, he would like one condition of approval to be that the applicant provides a performance guarantee for proper installation maintenance of erosion sedimentation control throughout the construction as well as site restoration in the event of abandonment.

Mr. Keach stated under zoning matters, he has a single comment. He said it is a reminder that there is a special permit application for planned WCD impacts estimated to total 29,000sf.

Mr. Keach said under the planning and design matters, he will skip over a few that are truly "dotting I's and crossing T's". He said he would start with two waiver requests that remain outstanding. He said Mr. Maynard indicated the earlier plan saw a waiver section 303-2 A (4) which permits a maximum of 20 parking spaces in a single row without the benefit of interrupting green space. Mr. Keach stated the current plan has been revised substantially. He said there are now runs of 22 and 21 consecutive spaces. The plan shows 139 spaces proposed, and 132 are required, Mr. Keach stated that one more interrupting green area would alleviate the need for the waiver. He stated he cannot support this waiver request.

Mr. Keach stated under the matter of storm drains on privately owned sites, the regulations require a minimum of 3ft. of soil cover over the crown of storm drains. Mr. Keach stated there are two structures out of twelve on site that would have 2.7 ft. of soil cover. Mr. Keach said that Mr. Maynard put specifications on the plan for those two structures to be insulated. Mr. Keach does support granting this waiver.

Mr. Keach explained remarks 6, 7, and 8 under the planning and design matters. These remarks all deal with pedestrian access to the building to comply with the Americans with Disabilities Act (ADA). Mr. Keach stated that Mr. Maynard will take care of these at the appropriate time. Mr. Maynard agreed with this.

Mr. Keach stated the next remark deals with the matter of vehicular circulation. Mr. Keach stated his concern about the one-way clockwise pattern. Mr. Keach asked Mr. Maynard if he would consider a counterclockwise circulation pattern.

Mr. Keach stated the next remark deals with guardrail installation and the top retaining wall off the easterly side of the building. There is a retaining wall effectively positioned at the front of the parking spaces. Mr. Keach would like to see a compatible solution for guardrail installation at this location on the plan.

Mr. Keach stated the applicant has continued to work with Pennichuck at great expense to bring water from near the church out to Rte. 38. Mr. Keach said he would like to have the plans that Pennichuck generates for that construction be an interval part of the final site plan.

Mr. Keach spoke on remark 14. He said this site as it is proposed would have the benefit of a public water supply. He explained the wastewater pump stations require electricity to operate. He stated 3 pumps on site will need to work when the power is down. Mr. Keach stated he would like a note on the final plan to state that wastewater treatment and pump stations will have standby generators to have the assurance that this piece of construction will get done so that during prolonged power outages the wastewater operations can continue.

Mr. Keach addressed the positioning of the pump stations. Mr. Keach recommended that the location of these pump stations be relocated so they can be more easily accessible from the paved areas for winter maintenance purposes, particularly the one to the extreme northeast.

Mr. Passamonte asked if a pump fails, does a portion of the paved driveway have to come up? Mr. Keach responded no. Mr. Maynard explained an alarm will go off and it will cycle to the next pump. He said there is an emergency bypass. Mr. Maynard continued to explain the three types of alarms; one is visual by a flashing light, the second is a buzzer, and the third one is usually a text to the maintenance person. Mr. Passamonte asked how a failed pump would be replaced. Mr. Keach explained you would enter through a stack to access the pump. Mr. Maynard further explained he built them on rails so there is a chain that comes up if the pump needs to be serviced.

Ms. Masse-Quinn asked Mr. Keach his opinion on the clean solution technology being used for a single-family home versus a big-density building. Mr. Maynard stated it is not uncommon for restaurant use or coffee shops. Mr. Keach said the clean solution systems reduce the biological oxygen demand. He said wastewater that goes in and is treated by a septic system has two fundamental renovation processes. He said in a septic tank there is an anaerobic process where there is digesting much like wastewater treatment. He said the effluent that leaves has a very elevated biological oxygen demand. He continued to explain that the higher the biological oxygen demand, the more difficult and less timely it is for that process to run its course. He said in a typical domestic wastewater situation the aeration of the wastewater, like what is being proposed here, accelerates that significantly. He said having a pre-treatment system prolongs the life of leach fields.

Mr. Passamonte asked how the detergents from the washing machines will affect the system. Mr. Keach said it is a percentage of the wastewater profile. He said the detergents are a very small percentage of the wastewater stream. He said the aeration piece will help with this by mechanically aerating the wastewater before it hits the leach field component.

Mr. John Spottiswood asked if the units would have garbage disposals. Mr. Renaud responded no.

Mr. Keach finished by explaining the last remark regarding the landscape plans. He expressed that the landscape plans are incredibly done. Mr. Keach stated that Mr. Maynard said that there would be a well on site for irrigation purposes for non-potable water. Mr. Keach stated he would like this specified in the plan.

Mr. Keach concluded that this building plan has come a long way from the original plan and noted some safety net systems that he would like to see.

Ms. Masse-Quinn asked Mr. Keach about the aquifer. Mr. Keach responded that it is in the aquifer district. He said a portion of the land has a transitivity of 1000sf per day or less and is on the North or West side and it grows on the undeveloped side. He added this is not a huge aquifer potential. He said our aquifer protection district ordinance bifurcates controls based on aquifer potential. He said this proposal is compliant with the zoning ordinance as presented.

Mr. James Bergeron referenced the Feb.20th letter from Mr. Keach specific to the proposed plans and the latest letter review of April 5th. Mr. James Bergeron asked if the letter from the 5th was an addendum to the 20th. Mr. Keach responded no and explained that it is a replacement for the Feb. 20th letter. Mr. Keach issued the April 5th review based on the revised plan.

Ms. Masse-Quinn asked Mr. Keach if there would be any water disruption to the current residents who are already getting water from Main Street. Mr. Keach explained this would be part of the engineering that Pennichuck is doing. Mr. Keach explained we must rely on Pennichuck because they are the utility provider. Mr. Renaud added they have

an ongoing conversation with Pennichuck regarding this. Ms. Masse-Quinn confirmed with Mr. Renaud that the Board would be included in the letter from Pennichuck.

Mr. Doherty opened the discussion to the public.

Al Steward from 6 Vista Drive introduced himself as the Chairman of Conservation. Mr. Steward stated he is representing the Conservation Commission. Mr. Steward stated the major concern is the matter of infiltration into the Wetland Conservations District (WCD) which appears to be nearly 30,000 sq. ft. He stated the opportunity to damage the adjacent wetland is very high. The outflow of the infiltration pond goes directly into the wetlands. Mr. Steward stated after the third site visit, the landscaping was excellent. The ability to maintain the aeration of the system from contaminating in any way into the wetlands is a concern. He would encourage emergency power as a great opportunity to save future catastrophes. He asked if this project moved forward, to allow the Conservation to be able to do some measurements of the wetlands to maintain the purity and effectiveness of the flow of water as it proceeds to Golden Brook and beyond to Beaver Brook for some time. Mr. Steward stated it seems this process hinges on one word, contiguous. He asked to define when something is not contiguous. He stated this is when it is not touching. He said the road is probably minor interference with the soil that would treat the septic load, however, the wetland there that separates this lot, he would consider as significant as a road and would feel as though this lot would be non-contiguous.

Ms. Christine Kamal of 3 Renee Lane introduced herself as an alternate representative of the Conservation Committee. She stated that she is representing herself. She explained being on a site walk with Mr. Maynard where there was a discussion about taking down the height of the land. Mr. Maynard stated the hill in the middle of the lot is going to be excavated. Ms. Kamal said a concern is how far down the hill will be reduced. Mr. Maynard said the highest point that will be excavated down is 28ft. Mr. Maynard explained the hill in the center would be taken down the most 28ft. Ms. Kamal stated that this would mean the septic would be even further down. Mr. Maynard said no, most of the septic will be in natural areas and there are a few that would have a 4ft. or 5ft. cut but the bulk of them would be in a fill situation. Ms. Kamal explained it is known that there is water in the middle of the lot and by reducing the height of the hill, she would be concerned with the clean solution system. She explained she has a clean solution system that failed because water got into the system. She stated she would be concerned with the septic systems being underground and close to water. Mr. Maynard confirmed with Ms. Kamal that Hannaford has a clean solution system. Mr. Maynard explained the clean solution in Hannaford has been in place for roughly 10 years. He added Chunky's Cinema is on a clean solution septic as well and has been in place for approximately 20 years. Ms. Kamal said that a septic system could fail if it is under a lot of water. Ms. Kamal explained that due to climate change, we will be going through long periods of drought as well as periods of torrential downpours. She added there is a greater chance that these areas could be flooded.

Mr. Doherty said when Rte. 38 went in, that the dirt pile discussed may have been put there when Rte. 38 was put in. He said the wetland discussed is man-made and once was a farm that Rte. 38 cut in half and the run-off probably made it into a wetland. Ms. Kamal explained that 579 Bridge Street, according to Geographic Information System (GIS) maps, shows it is a peatland, which takes thousands of years to develop, and only less than 1% of the town of Pelham is peatland. She added peatland is very valuable because it sequesters the most carbon. She added that destroying this land would release carbon into the environment.

Ms. Masse-Quinn asked Ms. Kamal if she was part of the seven members that voted not in favor of this project. She added they have a letter from the Conservation stating this. Ms. Kamal stated she may have been an alternate and did not vote.

Mr. Bill Scanzani from 1 Victoria Circle introduced himself. He stated he is in favor of this plan. He said if you look at the design and the type of development, you'll find that the housing units are affordable housing even though they

are not built as affordable housing due to the constraint of the size of the building. Mr. Scanzani added that the State is aware that the Town of Pelham does not have enough affordable housing. He discussed the housing market fluctuations and how this development could be part of the affordable housing that Pelham requires. Mr. Scanzani stated that he does not have concerns about effluent getting into the wetlands. He believes that the applicant has tried to meet the requirements that the Board has asked for and that it is good for the Town of Pelham.

Mr. John Spottiswood asked to clarify if these units will be rental units. Mr. Renaud stated the apartments would be market-rate rentals. He said the current market rate is roughly \$3,000 per month. Mr. Scanzani stated that Ms. Beauregard would be able to list these as affordable housing because they are 2 bedrooms, and they are limited in size by fixed walls. Mr. Spottiswood stated he doesn't believe they should be stated as affordable housing in public because they do not get to determine this.

Ms. Lisa Corbin of 655 Bridge Street introduced herself. Ms. Corbin explained that she had submitted a letter of concern previously. Ms. Corbin expressed her concern about water. She added the parking lot of the development is 10ft. off her property line and is concerned about the privacy impact. Ms. Corbin stated she is concerned about the infrastructure of the school system, and the roadway coming in and out of Rte. 38, as the speed limit is currently an issue, she is concerned about school students and bus stops.

Ms. Masse-Quinn stated that there is a copy of the letter dated February 17th, 2021 in the file. Ms. Masse-Quinn read Ms. Corbin's letter into the record.

February 17, 2021

Planning Board Chairman & Planning Board Members
Town of Pelham
6 Village Green
Pelham NH 03076

RE: PL2020-00021 579 Bridge Street -for 90+ unit workforce housing

From: Lisa Corbin 655 Bridge St Pelham NH

Dear Chairman & Board Members

My name is Lisa Corbin and I live at 655 Bridge street. I am writing this letter to address the many concerns regarding the development being proposed by Mr. Gendron. So far, I have attended all the meetings, including the site walk.

The purpose of my email is to seek some guidance as to what is appropriate to include in my letter to the board. I wanted to address some of the issues that came to my attention upon reading the letter provided by Mr Haroutunian regarding his appraisal and the flood zone area. I am also including some personal encounters I've had over the years with Mr. Gendron, to demonstrate where my concerns are stemming from. It ends with some additional comments that have been brought to my attention by my attending of these meetings, the site walk and the professionals I have hired to help me understand how this project is going to impact me. It appears to me and to the people I've hired that there is not enough information made available that makes it clear what is happening, nor for myself or the town to make an informed opinion on such a large project. I understand that it is not necessary for me to hire my own professional for this, however this issue is important enough to me that I feel it is well worth the investment.

I picked up a copy of the proposed site map and the letter that was provided as part of their proposal application, prepared by the appraiser, Jeff Haroutunian. I have a number of concerns regarding this letter. First, he states that the townhouses will be set "far back" - well, how far? Will they really "only be

accessible from Bridge Street" or is an opportunity for further development down the road from the Brookwood Realty Group LLC property being left open? He also indicates that these townhouses are "highly unlikely" to be seen from nearby properties. What are his qualifications for determining that? Has a balloon test been performed and if not, will one be?

He also specifically calls my address out, indicating that this development will not create a situation that adversely affects me, in particular, and that a typical buyer would be more concerned with the traffic on rte 38 than with a 73 unit development next door, 17 units of which are visible from my property. I disagree with that statement and instead feel that I will now have 2 strikes against me with any potential future buyers- 1st the busy road, which I am aware of, and now an additional sight and sound issue that will affect my right to quiet enjoyment, in the meantime and in the future, should I ever decide to sell.

Having never spoken to Mr Haroutunian, I am not sure how he can address how I would "feel" regarding a development of 90 units behind my house. I grew up on Bridge street in Dracut and lived there for 26 years and I have lived at my current address for 21 years. Yes, I know what it is like to live on a busy street. However, both locations had plenty of land and woods behind it offering much privacy making it an acceptable trade off for being on a busy road. That is about to be taken away, so I am very concerned. Recently-just this past summer- I have invested a substantial amount of money into my home, adding on a large addition- it is important to note that this addition is NOT noted on the plan that was delivered to the board. It appears that the footprint of my home on that plan is inaccurate and not inclusive of the additional 30 foot addition. Therefore, it does not represent my existing dwelling and in fact the proposed new construction would then be much closer to my house than is depicted.

A big question is: How close exactly is the proposed construction going to be in relation to my property? Why isn't my house shown on the plan accurately and in relation to the proposed project? Mr. Haroutunian's letter indicated that there will not be adverse traffic- have any traffic studies been performed regarding the approximate additional 180 car load that will be a result of this development?

Another pressing question is in relation to the potential of future development of the abutting property owned by Brookwood Realty Group. Why is it necessary to have a ROW continuing on past the proposed cul-de-sac, unless there is an expressed interest for future development?

My concerns around Mr. Gendron is a result of the many encounters that I would like to ensure that any project is the best possible one for the town, our neighbors and future friends.

I wanted to include a few of the examples of my interactions with Mr. Gendron to demonstrate my unease. Within the first 6 months of living at 655 Bridge Street I was approached by Mr. Gendron. He was proposing a "land swap". He wanted the frontage along rte. 38 and wanted to "swap" for a parcel of land that was not directly behind my house but off to the right side closest to my other neighbor. I didn't see a benefit in this "swap" since the land was not extending my buffer behind my house. I declined his offer.

A few months later I was having some trees cut down on my property. Mr. Gendron left a note on the equipment being used to cut the trees down claiming his trees had been cut down and he was going to "sue" the person cutting the trees. As a result, this guy took his equipment, left a mess of brush behind and would not return my calls. I also received a notice from a lawyer stating I was being sued as well.

I hired a land surveyor who verified my property line and that none of Mr. Gendron's trees were cut down. I also had to find someone to clean up the mess of trees and brush left behind. Mr. Gendron called the State Forestry Dept to complain about all the brush close to his property line so they paid me a visit and informed me I would need to clean up the area. The gentleman from the NH forestry dept. (I think his name was Neil B.) told me that Mr. Gendron told him if I would agree to "swap" land he would drop the complaint. In all these encounters with Mr. Gendron cost me \$3000 dollars for hiring a land surveyor, a lawyer and someone to clean up the mess of trees and brush left behind.

3. Who is Prosperity of Pelham? Who is the developer and what other projects have they done?
4. Will fencing and /or buffers be constructed for privacy and to ensure quiet enjoyment?
5. What about sewerage? Will there be individual systems for each unit or is there going to be a sewer treatment plant on site? Will there be an impact to the water table? Will a hydrology study be done to determine potential impacts and effects of runoff?
6. Will these be rental units or purchase? There was never a definitive answer.

Also, the original plan for Mr. Gendron's proposal utilized 1989 FEMA data. The notes on the current plan show that it has been updated to the newest data. Has the flood zone been added to a plan, besides the one I provided, because it is still not being shown.

I'm sorry for so many questions but I just want to make sure I am doing enough to make my voice heard as an abutter and tax payer. I obviously love my home- just added the addition -and despite the busy street, enjoy my backyard privacy. I have plans on retiring in this home within the next 10 years. I have two dogs and literally spend hours in my backyard each day playing with them or tending to my garden. I don't have anything against neighbors but 90 or more of them in my backyard is a bit much.

Thank you for your time



Lisa Corbin

In early Spring of 2020 Mr. Gendron approached me again about a possible land swap. This time when we met I had a realtor and professional land surveyor with me as we walked the frontage to determine the footage Mr. Gendron was seeking. I was thankful they were there as Mr Gendron was saying that the new line would be in one place on the plan, however when measured by the professional surveyor, it would have ended up removing half of my driveway. He said it was only because he needed the sight distance for a road and that they had no intention of building anything behind me. In the end we would not come to an agreement as I was seeking land directly behind my house to increase my buffer and preserve my privacy.

I am not opposed to the development of the land but feel that detached single family homes with an appropriate amount of acreage would be a better fit.

With the help of my hired professional, it was determined that some of the land proposed for the development is in the flood zone area. According to the Town's own tax map, (please see attached) there are 2 separate areas- is the shaded area the bordering vegetated wetlands and the dotted line the Flood Zone A area?

Additionally, please refer to the plan prepared by my professional showing our most recent addition to the house and showing the approximate location of the flood zone in relation to the proposed construction.

I am respectfully asking that the board take a close look at this area and address section 303-7 (Special Flood Hazard Area) to ensure that this is addressed. It seems like there would be less impact to the resource area and neighbors if the proposed road was closer to Mr. Gendron's house. Why is that not being explored as an option?

I am further wondering how the Flood Zone issues will be addressed. Additional questions and concerns are:

1. Has FEMA been contacted in regards to a "letter of map change"?
2. Since this impacts a resource buffer and alters a resource itself, is conservation going to oversee the proposed project?

Ms. Masse-Quinn stated that attached to the letter there is the survey and FEMA flood.

Mr. Renaud stated that the plans discussed in the letter are not his, and everybody in the conversation has nothing to do with himself or his team.

Mr. Doherty asked Ms. Corbin what the size of her land is. Ms. Corbin replied about 1.5 acres. Mr. Doherty asked what the depth of her lot is. Ms. Corbin did not know. Ms. Corbin continued to discuss the closeness of the parking lot to her property and the concerns it brings to her in terms of privacy, enjoyment, and quietness.

Mr. Culbert asked if Ms. Corbin stated the parking lot would be 10 feet from her property. Mr. Culbert questioned if the regulation is 15 feet. Mr. Maynard explained it is a 10-foot setback to the lot line. Mr. Renaud stated they moved the building as much as possible and generated extra screening.

Mr. Doherty asked what the elevation change would be from where the parking lot is and to where Ms. Corbin's backyard is. Mr. Doherty stated the hill is 28ft. tall and asked if that was the height of Ms. Corbin's yard. Ms. Corbin stated that her property is higher and would probably be able to see over what privacy is there. Mr. Maynard said as a guess, Ms. Corbin's property is about 20ft. higher than the development.

Ms. Masse-Quinn asked what the buffer would be for privacy for Ms. Corbin. Mr. Maynard explained that there is a difficulty when Ms. Corbin's property sits higher than the development and added they are proposing 12-14-foot-tall plantings. Mr. Renaud stated he did propose extra arborvitae and evergreen screening on the rough area where Ms. Corbin's backyard abuts.

Mr. James Bergeron stated he would like to stay within the chronological order of the proposed plan.

Mr. Doherty asked if any other members of the public would like to come forward. As no one from the public came forward, Mr. Doherty closed the discussion to the public.

Ms. Masse-Quinn stated she would like to discuss the Conservation Commission letter that was sent to the Board members. She stated the Conservation Commission voted (7-0-0) in opposition to the development as presented because of the two-thirds of an acre WCD impact with too much impervious surface on a five-acre section of the lot with no mitigation by locking up part or all of the back land.

Mr. Doherty stated he would like to discuss the talk of contiguous and the wetland making the piece of land non-contiguous which is the 30-acre side proposed to subdivide. He said meaning there were 5 acres and a wetland which possibly could be a floodplain or not, and the other piece of land. He said the concern he heard from Conservation was if it was even possible. He stated he believed the comment was about how could 5 acres and the other 14 acres be used as the whole amount for the lot loading if it is not contiguous because of the wetland.

Mr. James Bergeron stated he would like to remind everyone that there is a noncontiguous receiving soil section in the Town of Pelham Zoning Ordinance.

Mr. Keach stated the lot loading requirement of the State does not have a contiguity requirement. He said the net tracked area, in this case, the 30.6 acres, some areas cannot support lot loading. He said the lot loading that was approved by the DES and part of the septic designs was based upon the net tracked area of 30.6 acres. The contiguity piece for the State lot loading is not there as a requirement.

Mr. James Bergeron explained that because the State doesn't specifically say that the receiving area must be contiguous on a lot, the entire gross area of the lot can be calculated as one area. Mr. James Bergeron said he respectfully disagrees with this assessment for a couple of reasons. He said everywhere else in the code of administrative rules, contiguous receiving areas are spoken about. He also said areas of purely drained soils shall not

be calculated as receiving areas. Secondly, Mr. James Bergeron said the Town of Pelham zoning ordinance, which he believed is a step above the DES, is very specific and it says that receiving areas for lot size and requirements require that areas be contiguous. Mr. James Bergeron stated that if there is something that interrupts it, whether it is a road, a physical structure, or a wetland soil, it is a separate entity, and the effectiveness of putting 19,500 gallons on 4.7 acres is not the same as if it were all contiguous because then you could spread the fields out and they wouldn't be under the pavement. He stated the Town Zoning Ordinances have very specific language that outweighs what the DES states.

The Board and Mr. Keach continued to discuss the differences between the NH DES and the Town of Pelham Zoning Ordinances.

Mr. James Bergeron confirmed the town zoning ordinance being discussed is 307-13.

Mr. Doherty asked about the possibility of floodplains being on the property. Mr. Keach stated there are floodplains along the thread of the brook on the property. Mr. Maynard explained that the flood maps that are in place show a flood line directly through the middle of the hill on the middle of the lot. Mr. Maynard stated that if that was the flood elevation Rte. 38 would be underwater. He said FEMA had done a study and the study stops at the property line of the proposed plan. He said they have another engineer doing the LOMA and he will report to FEMA to pull the flood plain and it will follow the edge of wetlands. This was determined by the engineer based on his calculations of the watershed.

Mr. Bilapka asked Mr. Keach to confirm that this parcel has been maxed out by the proposed plan. Mr. Bilapka asked where the future is regarding maintenance and soil breakdown. Mr. Keach stated you would replace in kind.

Mr. Passamonte asked what the average time is for an aeration system to last. Mr. Maynard guessed 40 years. Mr. James Bergeron added there hasn't been enough time to prove the aeration systems yet.

The Board and applicant agreed to continue this case on May 15th, 2023.

Mr. Doherty announced a 10-minute recess.

Mr. Doherty called the meeting back to order at approximately 10:42 PM.

NEW BUSINESS

Case #PL2023-00009

Map 27 Lots 2-101 & 2-102

HUNT, Judy & 52 HINDS LANE, LLC (owners) and COOK, Bill (applicant) - 52 Hinds Lane and an unaddressed lot - Seeking approval of a Lot Line Adjustment adding 0.19 acres from Map 27 Lot 2-101 to Map 27 Lot 2-102, for a total of 0.32 acres. Map 27 Lot 2-101 will be left with 2.00 acres.

Ms. Masse-Quinn read the list of abutters.

Jason Bolduc of Meridian Land Services introduced himself representing Judy Hunt, the owner, and the applicant, Bill Cook. Mr. Bolduc stated he is presenting the lot line adjustment between lots 27-2-102 and 27-2-101. He stated they are looking to transfer parcel "A" from lot 27-2-101 to lot 27-2-102 leaving lot 27-2-101 with 2 acres and over 200 feet in frontage and greater than 55 continuous sf. of land. He said lot 27-2-102 was created in 1954 and is an existing non-conforming lot and leaving lot 27-2-101 in compliance with the Pelham Zoning Ordinance. He said the existing lot 27-2-101 is 2.19 acres resulting will be 2 acres. The existing acreage for lot 27-2-102 is 0.14 acres and the resulting

will be 0.32 acres. He stated parcel “A” is transferring 0.19 acres.

Mr. James Bergeron asked Mr. Bolduc to state the purpose of the lot line adjustment. Mr. Bolduc said the purpose is to add parcel “A” from lot 27-2-101 to lot 27-2-102 enlarging an existing non-conforming lot while leaving the existing larger lot (27-2-101) in compliance with the regulations. He said they are currently in construction of a duplex on lot 27-2-101.

Mr. Bolduc added that he has submitted a variance application to build a residential dwelling on parcel 27-2-102.

Mr. Doherty opened the discussion to the public. As no one came forward, Mr. Doherty closed the discussion to the public.

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

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

Mr. James Bergeron asked if the two lots shared ownership. Mr. Bolduc replied no.

Ms. Takesian stated that if the Zoning Board of Adjustment (ZBA) approves the variance, there is no guarantee that a building permit will be issued for lot 27-2-102.

MOTION: (Montbleau/Bilapka) To approve the lot line adjustment.

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

Case #PL2023-00011

Map 2 Lot 5-83-2

SHADAN, Suzanne - 54 Keyes Hill - Seeking approval of a Waiver to Article: XII, Section: 307-74A. of the Zoning Ordinance, which stipulates a maximum square footage of 1,000 sq. ft. for ADUs, to permit a 2-car garage with a room above to be converted into a 2-bedroom Accessory Dwelling Unit (ADU) by Conditional Use Permit. Existing, finished rooms include a mudroom & bathroom, and a room over the garage. The garage will be converted to a kitchen, living area, and 1 bedroom for a total of 1320 sq. ft (exclusive of the mudroom).

Ms. Masse-Quinn read the list of abutters.

Ms. Suzanne Shadan from 54 Keyes Hill Road introduced herself. Ms. Shadan explained she is here for approval of a conditional use permit for completing an Attached Dwelling Unit (ADU) in her attached two-car garage. The two-car garage is attached to the main house by an existing finished mudroom, bathroom, and finished room above the garage. She said she would like to donate that to the ADU. She said the two-car garage would be converted to a kitchen, living area, and second bedroom. She stated the total square footage including the currently finished areas plus the finish of the two-stall garage below would be 1320sf.

Mr. Doherty asked if the garage doors would be taken out and sided. Ms. Shadan replied yes.

Mr. Culbert asked how many bedrooms are in the main home. Ms. Shadan replied with 4 bedrooms and said she would like to add 2 bedrooms within the ADU. Ms. Shadan replied she does have approval for a 6-bedroom septic system.

Mr. Culbert asked Mr. Doherty when the Board changed the zoning for ADUs from 700sf to 1000sf. Ms. Beauregard stated the square footage went from 700sf. to 800sf. and now 1000sf. Mr. Culbert confirmed Ms. Shadan is asking for

1300sq for the ADU. Mr. Passamonte explained this is inside of the preexisting framework. Mr. James Bergeron stated this lot is a 2.2-acre lot and is a duplex quality lot which the applicant is not asking for. Mr. James Bergeron explained this is attached, there is no alteration to the outside, and it is on 2.2 acres.

Ms. Beauregard added that by right, she could call this a duplex and construct it in any size. The applicant is choosing to remain an ADU.

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

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

Mr. Doherty opened the discussion to the public. As no one came forward, Mr. Doherty closed the discussion to the public.

MOTION: (Montbleau/Bilapka) To approve the waiver.

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

ADMINISTRATIVE

Planning Board to make an Administrative Interpretation of Zoning Ordinance Article XVII in regards to Residential Rooftop Solar arrays and to consider a vote to appoint a designee to review and approve Conditional Use Permits for all Residential Rooftop Solar arrays on behalf of the Planning Board.

MOTION: (Montbleau/James Bergeron) To appoint Ms. Jennifer Beauregard as the designee to review and approve Conditional Use Permits for all Residential Rooftop Solar Arrays on behalf of the Planning Board.

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

Mr. James Bergeron asked Ms. Beauregard to clarify the 15KW solar arrays. Ms. Beauregard explained this would be for residential rooftop solar arrays only. The electrical inspector determined the 15KW seemed to be an arbitrary number.

ADJOURNMENT

MOTION: (Montbleau/Passamonte) To adjourn the meeting at 11:13 PM.

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

Respectfully submitted,
Heidi Zagorski, Recording Secretary