

**APPROVED**

**TOWN OF PELHAM PLANNING BOARD  
MEETING MINUTES  
December 19, 2022**

Chairman Tim Doherty called the meeting to order at approximately 7:01 PM.

Ms. Masse-Quinn called the roll:

**PRESENT ROLL CALL:**

Tim Doherty – present  
Jim Bergeron - present  
Danielle Masse-Quinn – present  
Kevin Cote – present  
Hal Lynde – present  
Paddy Culbert - present  
Samuel Thomas - present  
John Spottiswood – present  
Bruce Bilapka - present  
Joe Passamonte – present  
Jenn Beauregard - present  
Jen Castles – present

**ABSENT/  
NOT PARTICIPATING:**

Roger Montbleau  
Jaie Bergeron

**PLEDGE OF ALLEGIANCE**

Mr. Doherty appointed Mr. Lynde to vote on the minutes and the first case in place of Mr. Montbleau.

**MEETING MINUTES**

Mr. Bilapka said between Lines 647 and 648, to add that Woekle Circle is both a public and a private road.

**MOTION:** (Mr. Passamonte/Mr. Lynde) To approve the minutes as amended.

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

**OLD BUSINESS**

**Case PL2022-00034 – Taylor, Michael – 32 Leonard Drive – Seeking approval of a Site Plan for a ground mounted solar array, consisting of 20 modules in 2 rows measuring 2’x6’ each for a total of 400 sq. ft.**

Mr. Doherty said there was no one to represent this case, so it will be tabled.

**Case PL2022-00031 – Cedar Crest Development, LLC (Applicant), Eleanor Burton Revocable Trust (Owner) – Map 38 Lot 1-109-243 Sherburne Road – Seeking approval of a 4-lot subdivision consisting of 3 single-family/duplex lots accessible from Sherburne Road.**

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

Ms. Masse-Quin read the list of abutters.

Mr. Doherty said this case is in conjunction with **Case PL2022-00042**, which is a conceptual plan under the same engineering firm. Mr. Doherty asked the public to limit their questions and to pay attention to all questions asked them to try and limit their questions to a few minutes each. Mr. Kurt Meisner from Meisner Brem Corporation introduced himself representing the engineering and surveying of this project. This was proposed as a three-lot subdivision. He said he will also be discussing the land across the street that is owned by the same owner and will talk about a proposed water supply. He hopes tonight, he will receive approval for the three-lot subdivision on the south side of the road. This plan has been changed from the last time it was here. They decided to eliminate the 10 acres in the back and that would be incorporated into one of the proposed lots. There will only be three lots now and the unbuildable property has been removed from the site. The existing well has been located on the first lot along Sherburne Road and the well radius is shown. They have water supply information on that well and it provides four gallons of water per minute and that is a good producing well. This well now services the existing farmhouse, and the intention is for that to service a new home to be built on that lot separately and then two other wells will be drilled on the other two lots. He said the original well waiver has been rescinded. The concept plan for across the street has also been submitted. Mr. Culbert asked if these would be single-family homes or duplexes? Mr. Meisner said they are single-family homes and they do not plan on building duplexes.

Mr. Thomas said there is one well that's established that produces 4 gallons per minute. Mr. Meisner said yes. Mr. Thomas asked about the other two lots and their wells? Mr. Meisner said he hasn't drilled wells yet, but the intent is to drill wells. Mr. Thomas asked if these two lots would have their own wells? Mr. Meisner said yes. Mr. Thomas said he is concerned about the sustainability of these wells. Mr. Thomas said his concern asked how he can ensure the properties around this will have water? Mr. Thomas said this side of Pelham has a water quantity problem.

Mr. Meisner said the town of Pelham stipulates that when a well is drilled, there is a regulation that a well is tested before a building permit can be issued. He said that usually comes after a foundation is installed. He said he would stipulate, as part of the approval, that they would drill the wells and test them before any permits are issued and that would mean there was no excavation on the site. Once they prove those wells are good, then he would get a foundation permit and start construction.

Mr. Thomas asked if the well tested was an 8-hour test? Mr. Meisner didn't know. Mr. Thomas said Skillings usually does an 8-hour test. Mr. Meisner said the well was tested using the company the developer uses and he can make that available to the board. Mr. Thomas asked if he knew the output of the other two wells? Mr. Meisner said no, because they aren't even drilled yet.

Mr. Jim Bergeron asked Mr. Meisner to show the 4K on Lot 109-1? Mr. Meisner showed it to the board.

Mr. Jim Bergeron said the test pits are to the south and not in the 4K area and are not where they belong. Mr. Meisner said their intention is they need to do more test pits and amend the plan with NH DES and it's common practice. Mr. Jim Bergeron said historically people don't get an approved plan on their first night of presenting a case and this case is missing some points. Mr.

Meisner said they could make that a condition of approval. He said they have a state subdivision approval and that could say these lots are buildable. The 4K gives an oversize area that is allowed to build a septic system. He said an additional condition could be an amended approval by NH DES.

Mr. Thomas asked if he was going to provide a report of the well that was tested and how long it was tested? Mr. Meisner said yes. Mr. Thomas asked if the quality of the water was tested? Mr. Meisner didn't have an analysis report but did know there is no water softener or treatment system with that well. That well has been there for many years now and it is being used now by the farmhouse, but he didn't know what company services it.

Mr. Thomas said we want the quality tested as well. Mr. Meisner said part of this town's permit requires quality and quantity acceptability.

Mr. Culbert said on the two wells that will be drilled, how much volume would he say was adequate? Mr. Meisner said he thinks the town requires one gallon per minute.

Ms. Beauregard said she thinks it's four gallons per minute in a two-hour period.

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

Mr. Culbert asked again if these houses would be duplexes, because it shows duplexes in the plan? Mr. Doherty said the lots are large enough to build duplexes and he asked Mr. Meisner if his septic designs were for duplexes or single families? Mr. Meisner said he doesn't have any septic designs completed and again, they are going to build single-family homes. They are not set up for duplexes due to the well radius. Mr. Culbert asked if it was legal to post that? Ms. Beauregard said it is because at the time that's how he notified the board.

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

Mr. Doherty opened this up to the public.

Ms. Bonnie Noble I'Anson introduced herself as living at 17 McGrath Road. She's lived there for over 37 years. She said he always believed the town would uphold the integrity of the pond and the wetlands by their bylaws. She never thought there would be any development discussion on McGrath Road. She read off a list of her questions, which are attached to these minutes. She is asking how this board can protect them and police this moving forward?

Mr. Doherty said a lot of the things she is asking about are not something this board is capable of doing. We have to follow the state RSAs. He said her points are valid, however this board can't do those things. She asked that if her well was affected, then does she come back to the board after construction? Mr. Doherty didn't know. She said some neighbors of hers have had their water affected. She wants to know what her rights are, and she wants to protect what she has. Mr. Doherty said she is asking the board, rather than the applicant and this board can't answer those questions. Mr. Doherty said this board is made up of volunteers that have to follow the RSAs. She said if they grant the approval to build and then none of them have water? Mr. Doherty said he can't answer that. She asked if he drives on Sherburne Road? Mr. Doherty said yes.

Mr. Jim Bergeron asked if anyone knew the traffic count on Sherburne Road? He asked what she would do a flow test for? She said to document how many current gallons per minute she has now. So, if construction alters that, it will show.

Mr. Jim Bergeron said anyone that owns a well, the amount of water that is drawn down is affected and changes during seasons. He said this board is helping the town along with the water commission to help with the water issues in this town.

She said her lot is also undersized, so if she loses her well, she will be hard pressed to dig another one.

Mr. Thomas said he lives off of Sherburne Road too and he said everything she said was correct. He said when an over 55 community was put in on the Hudson line, he had Skillings do a well test and he lost about 2 gallons of water per minute. He said the water commission is looking at how to supply water to those hard-pressed areas in town. He said we've hired an engineering company to assess the water and what we can do.

Ms. I'Anson appreciates the board's efforts and time.

Ms. Masse-Quinn said regarding the traffic where Mammoth Road meets Sherburne Road in 2021 for the weekdays, it is an average of 12,745 cars per day. She said they have put together a natural resource ordinance that may help with some of her concerns.

Mr. Doherty suggested the builder puts in an infiltration system to recharge the water supply.

Mr. Meisner said yes, he would and that is part of his normal sequencing. He said for the homes that would be built along Sherburne, it's over half a mile from that spot down to Long Pond.

There is a large wetland area in between that would serve as a mitigation area. He said it would work even better than a grass swale to protect the lake.

Mr. Doherty mentioned roof gutters. Mr. Meisner said he can do that also.

Mr. Spottiswood asked about the back portion being separate and now it's been added to a lot.

Mr. Meisner said yes. Mr. Spottiswood asked if the back part is non buildable? Mr. Meisner said yes, it's not buildable and it will be a part of the first lot now.

Steven Rancourt introduced himself living at 7 McGrath Road and has been there for about 24 years. His concern is if wells are drilled then does he bear the cost. He asked if the board could come up with some stipulations to protect the people there. He has no issues with the building, but what about the building across the street and are they drilling wells? He said there is a water crisis, and he hopes the board can do something to protect them. He said this is a concern to a lot of people.

Mr. Doherty said there has been talks about putting a moratorium on this section of town for a year if the state procedure was followed. He said we are looking for a long-term solution at this time.

Steven Rancourt asked what happens to people on McGrath if these three homes are built and the existing wells are affected, and do they bear the cost for that?

Mr. Culbert said previously it's been a civil matter and if the wells get tested before the development goes in, and get them tested afterwards, they'll have a leg to stand on. Steven Rancourt said yes, but they will still have to spend money on a lawyer and go to court to get their money back and that seems excessive.

Richard Dion introduced himself living at 20 McGrath Road, on the southern tip of the wetlands. His concern is the wetlands and what guarantee do they have that the wetlands won't be developed down the road? He asked for a guarantee in writing that those wetlands will never be developed on.

Mr. Doherty said it's a state law that wetlands can't be developed on or built on. Richard Dion asked if they could divert or control the water?

Mr. Meisner said Mr. Doherty is correct and there are state regulations that govern wetlands. He also said there would never be a road put there, because it would go nowhere, and it is already prohibited from development.

Mr. Meisner said he took the unbuildable land and added it to one of his lots.

Mr. Jim Bergeron clarified that previously there was an unbuildable lot in the back portion. Mr.

Meisner said correct. Mr. Jim Bergeron said that is now part of lot 109-1. Mr. Jim Bergeron asked if he could deed restrict the back portion of this lot to never be built on? Mr. Meisner said

that's been done before and he will confer with his attorney to see what the best and also, he will confer with the town. Mr. Meissner said that can also be one of the conditions.

Mr. Messner introduced Bruce Lewis, the owner of Lewis Water Company and said he can speak to the two proposed wells and the output of the current well on the property.

Kimberly Abare introduced herself as a Pelham resident and a member of the water commission. She asked the board to put McGrath on hold and asked to move to the other parcel as there has been some innovation being discussed that would buy the water commission the time. They need to bring a viable, sustainable and permanent water source to Pelham and to stop drilling wells on Sherburne. She said they need to work with the developers with laying pipes in neighborhood instead of drilling wells. She has talked with residents in town that had wells that were fine until nearby wells were drilled. She has talked with Mr. Meisner and wants to ask him to consider doing a geology study for Pelham, which is \$35,000.00 to guarantee where water is. She said Pelham has never had a geology study done.

Mr. Meisner said his legal counsel has said that a deed restriction is not a problem, and they can offer to put that as a stipulation of approval.

Mr. Doherty said years ago when Skyview Estates was being talked about, he said he told them to stub their water line at the beginning of Eleanor Burton's property. He said the plan was for that to someday supply the neighborhoods near that property. He asked this developer to look into this as a possibility.

Mr. Meisner introduced himself as well as Mr. Lewis. He talked at an earlier meeting about a proposed subdivision across the road on Sherburne. He looked into the possibility of laying out a water system that comes through the potential development of this property. He showed a map to the board and how he laid out an 18-lot subdivision. This subdivision would have a cul-de-sac and there was a stub left at the end of Marie Avenue and this could connect to the Burton property. At the end of this subdivision at the cul-de-sac there is a 50 foot right of way and he showed a blue line that would be a potential water line extension. He said he talked to Ms. Abare and Pennichuck. He said Mr. Lewis was the water designer for Skyview Estates. He said they are proposing an extension to bring water down to Sherburne Road and bring a stub over to Marie Avenue. That's a huge advantage for the town of Pelham and anyone in need of water. He showed on his map the areas that are in need of water and how they can extend the water lines out further. In order to get more water, the town owns land (highlighted in red) off of Aspen Drive. He said they've talked about potentially drilling a well there and adding to the water supply going into that. They would have to work with the water commission, the Selectmen and get town permission to do that. He said Pennichuck owns the water system at the top there and they could take that over or the town could. He said this is the direction they would like to take when they begin development of the Burton land. He said this would be a huge benefit to the citizens of Pelham.

Ms. Abare said this is a temporary step and there are two sources right now and Dracut seems to be the most promising and there are already hook ups there.

Mr. Jim Bergeron asked if Mr. Lewis was involved in the drilling, amounts and quality of the water at Skyview? He asked him to explain that system and how it works.

Mr. Lewis said his company, Lewis Engineering is in Litchfield NH, and he has been doing water work for the last 40 years in NH, Maine and MA. His focus is on community water and smaller systems. He said for Skyview, the fire department wanted fire hydrants there with a capacity of 500 gallons a minute, which is common. There is the ground water piece for drilling and locating and approving the wells. They are tested for both quality and quantity and then the state gives permission for these wells to be used for drinking. NH follows the EPA, and this water adheres to those standards as well. For Skyview, the wells were tested and approved and

used for a long time. There are no in ground water sprinklers allowed there. He said Pennichuck can also restrict lawn watering. He doesn't think they have had any issues with running out of water at this time. He said Pennichuck will have to be involved, as well as the state as to how this will all work to meet all the condition if 18 new lots were added. He said if the commission is looking to add more areas, it won't be difficult to address.

Mr. Doherty said the size of the pipe would determine how many houses can be added if there was an abundance of water found on the town land? Mr. Lewis said that would be an important consideration if the water lines were extended. They would have to be sized to carry this water. Also, the hydraulics would determine the pipe size.

Mr. Doherty asked if he saw any of the findings on that? Mr. Doherty said maybe another 50 houses could feed off of that 6-inch line if enough water could be put in on the northerly side?

Mr. Lewis said it would depend on what the availability of additional water might be located on the town land. But a 6-inch pipe, for domestic use, can supply a lot of houses without any problem. He said Skyview is a high elevation, so he wouldn't be concerned about pressure. He said they need more information such as quantity and quality of water and the pump house, storage tanks that are there. He thinks the tanks have adequate capacity because they have fire protection built in, but that would be a technical issue with Pennichuck.

Mr. Doherty asked if there were a possibility if there were water found above Skyview, could there be an additional holding building somewhere in this development near Sherburne Road?

Mr. Lewis said if there's a certain amount of water is available to come down from Skyview, would there be an opportunity to create a separate building?

Mr. Doherty asked what size tanks were there now?

Mr. Lewis thought they were 25,000-to-30,000-gallon tanks there now. He said there may be room to add a third storage tank there.

Ms. Abare said she met with Mr. Lewis and talked about potential water towers for the areas of Marie and Nicholas.

Mr. Lewis said water tanks can be designed in the engineering study and they can identify those areas where they can go. He said there's a major water transmission main from Manchester that brings water down to towns near Pelham. There are a number of different pressure zones that were created by that endeavor and that will help people to understand.

Mr. Doherty wanted to focus on this neighborhood.

Mr. Lewis said assuming Pennichuck water would work along with this developer to make this a reality as long as there is enough water.

Mr. Passamonte asked if Pennichuck takes this water line over, would there be sprinkler systems?

Mr. Lewis said they would probably not want inground sprinkler systems. Mr. Passamonte asked what would prevent someone from buying a house here and drilling a well for an irrigation system? Mr. Lewis said he didn't think Pennichuck has the authority to restrict that.

Mr. Passamonte said the whole point is, so people won't drill wells.

Mr. Meisner said that is way ahead at this point and they can discuss that later on. He said they can put in deed stipulations.

Mr. Doherty reminded that this is only a conceptual design.

Mr. Meisner said when they work on submitting a formal application, he will have those answers in detail.

Jim Tourtillotte from 26 Majestic Avenue introduced himself. He said he is not permitted to have sprinkler systems or to have a well on his property. He asked if everyone has a well and how would they like it if a neighbor asked to tap into their well. He said they are talking tonight

about building another well and filtrate Skyview Estates and use the well system that they have. He asked Mr. Lewis how many homes were permitted to be part of the wells at Skyview? Mr. Lewis didn't know.

Jim Tourtillotte said 63 homes were submitted by Pennichuck. He said his neighbors have concerns about them tapping into their water source that was designed to support 63 homes. Mr. Doherty said that was not what was suggested. He said it was suggested to bring more water into their system from town land. He said this is to add more water into their system, not take water out.

Jim Tourtillotte said if the water comes into their system, then it will blend and go two directions.

Mr. Doherty said into the piping, not into their well. He said it will never go into their well.

Jim Tourtillotte said it will come into their water lines, so it will come into their homes. He said this was originally designed for 64 homes and 192 bedrooms. He said Don Weare, the head of Pennichuck on June 2, 2011 did a written testimony saying there would never be any more than 64 homes and 192 bedrooms. He said also that the system would never be expanded on. He said last summer they had restrictions on water usage that were very strict. He also has an email from Don Weare that he can submit to the board. He said the email stated that the proposed development will have no access to the water system from Skyview community well. It can't be expanded beyond the current homes. He said they are scared their wells will dry up and scared for the quality of the water. He wants his well protected. He said Skyview owns that land. He asked that any future abutter notices should be sent out to everyone.

Mr. Lewis said any expansion would not be using water that Skyview has and there would be no wells drilled on Skyview property. Any potential wells would go on town property and if that water were then brought into and integrated in the Skyview system in a manner approved by the state and Pennichuck and the PUC, it would be a benefit to Skyview because they have two water supply wells now. If there were more wells available that went through the same water pipes, it would be fully treated water and be owned and operated by Pennichuck Water. It would all be done with full approvals.

Mr. Jim Bergeron thanked Mr. Lewis for making that point and there would be no negative result. It would only be using the pipe system as a pass through. When the stubs were left, this was for that very purpose. It would be adding water, not taking water away. He said this board is trying to find another source to add onto this and that would be a compliment to this source. He knows they are at their capacity, and everyone knows that.

Mr. Doherty said that water would have to be tested and if it's not, then it won't happen.

Jim Tourtillotte mentioned again the email written by Don Weare, dated December 13 that the proposed development will have no access to Skyview's wells. He said if you are tying into our water lines, that's access to their system.

Mr. Doherty said this would not be Skyview's water system, this would be an additional water system next to it on town property that would be using the underground piping infrastructure, not using Skyview's wells.

Mr. Jim Bergeron said Pennichuck will only take it if it meets their criteria along with the states and that is extremely stringent.

Charley Slattery introduced himself living on Aspen Drive. He said they could have a benefit from putting in another water system and maybe they can put in sprinkler systems. He said this is very premature and we don't know if there is water there and asked what the storage capacity would be. He said the 30,000-gallon tanks they have now wouldn't be adequate.

Mr. Doherty said it wasn't proposed to put hundreds of houses on this, it may be around 50 houses that are in dire need of water. Charles Slattery said those are 50 houses scattered throughout those streets and the pipes need to be run all the way down the streets. He said there needs to be a geological study done first and then come up with a proposed system.

Mr. Doherty said a developer owns a piece of land now and is willing to put in a piece of infrastructure through that development and that is what we know at this point.

Ms. Masse-Quinn said she is grateful there is discussion on this and since 2014, from her research, many people that live over there have had water issues. She thanked Mr. Meisner and Mr. Lewis for offering discussion of a possible water source.

Mr. Jim Bergeron said this is a conceptual discussion only.

Andrew Pierce introduced himself, living at 28 Majestic Avenue. He said Skyview's contract with Pennichuck is that if their wells run dry, Pennichuck is legally responsible to truck water in. He said they wouldn't be reliant on another water source because Pennichuck is responsible for their water. He asked where the town land is and where they could add a well. He said it sounds like it's close to the well on Skyview.

Mr. Doherty didn't know how many feet. Mr. Meisner said it's up to the rear of Aspen Drive and out beyond there.

Mr. Doherty said it would be a considerable distance in order to get an approved well radius from the state that would be large enough to make sure their well would never be contaminated from septic's.

Andrew Pierce said his question would be what guarantee is there to an existing well when another well is put in near it, and how would it affect their well's output. He said last summer they had a lot of restrictions on water usage. He said if the new well was to impact the amount of water that his well puts out, then that is affecting 63 homes.

Mr. Doherty said the rates of the draws would be taken into consideration and they would check the surrounding wells. He referred to Mr. Lewis to answer that.

Mr. Lewis said whenever a new well goes in for community wells now, the state requires to look at where the new well will be and then they'll take a 1000-foot radius around that well. Any well that's in that radius would be monitored before and during and after a pumping test. Outside of normal day to day water use, you're testing it probably four times that quantity to get a state approval. Then if their wells are tested, that goes into a formal report that is looked at by a state geologist to determine if there's any impact and see what needs to be done before they give approval.

Andrew Pierce asked if a tank is added and water is being run through existing pipes, he said he has water pressure issues now and how can he ensure if residents below Skyview have a demand on water, how can he be sure that they have the same quantity of water and also the same pressure?

Mr. Lewis said the water at Skyview is stored below ground in concrete tanks and the water that leaves the pump station is pressurized. The pumps are controlled and the way that would be improved would be to add a pump or exchange a pump to guarantee the flow and pressure.

Brenda Finney introduced herself living on Nicholas Lane. She said the water issue impacts her neighborhood. She said she sees Skyview's above ground sprinkler systems, and she asked who is policing that. She is curious of the impacts of Skyview's use of the water, and she is concerned about the wildlife impact if Marie Ave. becomes a through way.

Mr. Doherty said at this point, it's only conceptual so we don't know if it will be connected there on Marie Ave. She asked if the environmental impact for the wildlife been reviewed?



Mr. Doherty said not on a conceptual plan only to talk about the water supply line.

Mr. Jim Bergeron said early on the chairman of the water commission is researching the potential to get water from Dracut and that would be a solid supply if this didn't work.

Brenda Finney said she is concerned about her neighborhood not being able to take showers.

Mr. Jim Bergeron said they are working on that, and it is a very complicated matter. He said this stub the builder is proposing is to service your area.

Brenda Finney said when Chardonay went in, that directly impacted homes in her neighborhood, and it is frustrating, and the board is not helping us to protect our property. She hopes this board will protect our investments as stated in the NH bill of rights.

Mr. Jim Bergeron said we know this area is in crisis and the whole point of the water commission is to help with reforming and having an engineering study done and maybe a geology study done also.

Christina Milward introduced herself living at 20 Nicholas Lane. She thanked the board for all they are trying to do. She said she's been before this board before when her neighbors built homes and when the Chardonay homes were built. She was told there were no studies done as to how the new development would affect her water. She said she can no longer shower in her home and her husband and daughter can't shower in their home. She said from September till now, she has spent over \$500.00 at the laundry mat. She said she has water 4 tanks at her home that she gets filled. She said she has run out of water constantly. She appreciates that this developer is trying to get water in. She wants people to know how bad it is there and if there is no water up there, then they need another solution.

Ms. Masse-Quinn said she was watching Christina's chickens when they ran out of water.

Mr. Doherty said Kimberly Abare is working on this with the water commission. He said when we are working with a developer on something like this, if the house lots across the street are going to put wells in, they shouldn't be tapping into this pipeline if there is an abundance of water there. The new pipeline should be for the people that really need the water. He said this may not happen if they drill a well and there is no water up there.

Mr. Meisner said yes, and he agrees with all of that. He said they are trying to put this together to benefit the community and they aren't trying to push this on them. He said they are working with the water commission to both benefit the town and the land owner here. He said these will be good things for the people in this area, we are not stealing their water or using their water. We are proposing to add water to this area. That is the message he is saying, that they are looking to 'add' water to the supply.

Mr. Culbert said that Mr. Meissner has done an outstanding job with this.

Richard Loder at 32 Majestic introduced himself. He said if a pipe is connected to his water line at any point, then that water is his water. He said if the people in the new development draw more water it could end up in a suction. He said an aquifer is unpredictable in a granite area like this. He said he has an issue with water pressure, and he had Pennichuck test it, but he never got results. He said his neighbors have pumps, but he doesn't. He thinks the pressure was turned up on the pumps. He thinks we need some more education about pressure and heights.

Mr. Lynde said he would like to understand how a development can be started and we see the impact on neighboring properties and how does that project not get shut down?

Mr. Jim Bergeron said there is a statue that we can use to hold up a development because of a problem. He said we try to resolve things without that, but yes, we can.

Mr. Lynde said before a subdivision is approved, can we determine that's likely to be a problem? Like if they drill a well and we find that is pulling water from someone and we should be able to stop that until we find a solution for that and can we get that information.

Mr. Doherty said the state will allow a one-year moratorium on building, but then we will be back where we started with the town having no water lines or a water source. He said if there is water infrastructure in the ground, we can potentially bring water in from another town.

Mr. Lynde said if we knowingly realize we are pulling water from an adjacent house, we should be able to do something about that.

Mr. Doherty said we are trying to do this in different ways.

Steven White introduced himself living at 16 Chardonay. He said the white farmhouse with the existing well, there is only one person living there. He said if they are testing that well, there has been virtually no drain on that well for some time. He's asking where the oversight is on wells in town. He said there are 8 homes on Chardonay and the well is next to his lot. He's asking if we get accurate well reports. He said he had an issue with his well during the summer and it was fixed. He said his builder told them they had 33 gallons per minute, and he never would've bought a house there. He said to test the well on the other side of Sherburne for a long period of time to see what they are getting. He thinks his community well is within that 1000-foot area and he wants his well monitored to see what's going on. He asked if people need permits to drill wells and are we getting accurate readings on wells. He said his well gets a maximum of 11 gallons per minute. He said when he had the issue, he was getting 4 gallons per minute for 8 homes.

Mr. Doherty asked Mr. Lewis if he knew the present procedure for finding out how many gallons the wells are producing? Mr. Lewis said in the case of Chardonay or the three wells, there is a town regulation that specifies on a single-family well that it has to be tested for quality and quantity. Mr. Lewis said with new homes today, the average new home probably uses less than 200 gallons per day. He said you would have a company come in and perform a pumping test to determine the quantity.

Ms. Beauregard said our new well ordinance is 4 gallons per minute over a 4-hour period, it used to be 5 gallons per minute over a 2-hour period. Those are tests they submit when they apply for a building permit currently.

Mr. Culbert asked what the state standard is for wells? Mr. Lewis said the state doesn't have a fixed standard for single family wells, but they have a standard for the community water system wells. The community wells have a much more rigorous approval process and monitoring process.

Mr. Doherty said we are going to have to push these cases off to the next meeting due to time. He asked when Mr. Meissner can come back.

Ms. Beauregard said the next meeting is a public hearing and can probably put this on the agenda. Mr. Meissner asked if the board could address the items for conditions for a conditional approval tonight. He said the conditions are an amended NH DES subdivision plan and he thinks that's all they had.

Mr. Doherty said test pits in the 4K area, conditional approval would be to drill wells before the permits would be issued, possible deed restriction on the back land not being buildable, install LED systems to infiltrate surface water from roof and driveway.

Mr. Doherty wants to have a few weeks to digest all of this and get this clear. The board agreed not to act on this tonight.

Ms. Beauregard said the next meeting is January 5, 2023 and Mr. Meissner said he will be available.

**NEW BUSINESS**

**Case PL2022-00035 Aubrey, Randy & Kimberly – 8 Sandy Circle – Seeking approval of a conditional use permit for a 2-bedroom accessory dwelling unit located on the second floor of a new proposed detached 3-stall garage, on a 2.2-acre property.**

Ms. Masse-Quinn read the list of abutters.

Mr. Doherty said Mr. Sawtelle will be voting on this case.

Mr. Randy Aubrey introduced himself living on 8 Sandy Circle.

**MOTION:** (Mr. Cote/Ms. Masse-Quinn) To accept the plan for consideration.

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

Mr. Doherty said Ms. Beauregard said this case is not missing anything. Ms. Beauregard said they have met all the administrative criteria.

Mr. Doherty asked how far the garage is from the road. Mr. Aubrey said approximately 60 feet.

Mr. Doherty asked if there was any screening there now? Mr. Aubrey said there is a stone wall there, approximately 20 feet to the closest corner.

Mr. Spottiswood asked if there needs to be a foundation, or can it be on a slab? Mr. Doherty said a garage would have a cross wall and the garage floor is poured. Mr. Aubrey said this will have a foundation.

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

**MOTION:** (Mr. Cote/Mr. Jim Bergeron) To approve the conditional use permit for a 2-bedroom accessory dwelling unit

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

**Case PL2022-00038 – Welch, Matthew – 33 Brookview Drive – Seeking approval of a site plan for a light industry/light manufacturing general home occupation in the residential district, special exception approved by the Zoning Board of Adjustment on October 17, 2022.**

Mr. Matthew Welch of 33 Brookview Drive introduced himself. Ms. Masse-Quinn read the list of abutters.

Mr. Doherty appointed Mr. Sawtelle to vote on this case and Mr. Spottiswood will vote for the remainder of the night.

Mr. Welch said he has a welding and fabrication business, and he received approval for a special exception from the zoning board on 10/17/22 and he is now looking for this board's approval for the finer details.

Mr. Doherty asked what kind of welding does he do? Mr. Welch said mostly tig welding with stainless steel. Mr. Doherty asked if he does welding inside? Mr. Welch said everything he does is done inside his garage. Mr. Doherty asked what the largest thing he would weld? Mr. Welch said probably 3 feet wide by 6- or 7-foot-long frame. He said mostly desk size parts and he does all metals. The bulk of his clientele is aluminum.

**MOTION:** (Mr. Cote/Ms. Masse-Quinn) To accept this plan for consideration.

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

Mr. Doherty opened it up to the public.

Mr. Bob and Sheila Taplin introduced themselves as direct abutters, living at 31 Brookview Drive. Bob said on Mr. Welch's website, it says it's a machine shop. He said this is 20 feet from his property line and 97 feet from his house. He showed the board a photo of the property. He said Mr. Welch put in a vinyl fence up as well. Bob said this was first denied as a variance on July 11, to the board of adjustment, 5-0. He said some members believed it would decrease the value of his property. He thought this was defeated, but there was another hearing for this business. He said this went forward as a special exception home occupation and it was approved by the board of adjustment. He doesn't think this should ever be allowed in a residential neighborhood and it belongs in the industrial zone. He doesn't think he was protected for his property value, and he thinks anyone on this board wouldn't want this to happen to them. He asked the board to deny this business because this should've been a variance and that decision was already given in July and denied 5-0. He said if they don't deny it then he would like to set conditions.

Mr. Passamonte asked when this got reheard at the zoning board, did they put operating hours on this? Bob said he didn't ask for any hours at that time. Mr. Doherty said that's what this board would do.

Mr. Jim Bergeron said a diminution of property values could occur if the underlying district was changed to an industrial district. The zoning district was not changed. With a variance, it would run with the land forever. When a person comes in for a general home occupation and they meet the criteria it's a temporary thing and only stays there for the time it's being applied. He said the reason he voted to stop the variance, was because it would've been wrong in that area. He said for a person to come back, he can, he can tone it down and meet all the requirements and conditions and that would allow that to go forward. It would not be a zoning change, it's only an occupation within the building. If the zoning was changed, then it may change the property values, but it did not.

Mr. Jim Bergeron said that building has been there and will be there and it matters what's being done inside it. He said we have to go through the steps with this board to see if it will pass.

Bob said if it's approved, he would like to put conditions on it. Mr. Doherty asked if there was a list of conditions that were suggested?

Mr. Doherty said he was confused because the applicant said he was doing welding, but Bob is saying it's a machine shop. Bob said that is on his website.

Mr. Cote asked what kind of business does he run? Sheila said the home occupation is light industry, light manufacturing and metal fabrication.

Mr. Cote asked them what they know about the business that he runs? Bob said he's never been in it; they are just going by his website. Bob said he doesn't agree with it. Bob said he will do any type of work.

Mr. Cote asked Bob to tell the board what kind of impact this business has had on his house?

Bob said the building is 20 feet from his property line. Mr. Cote said the building is 20 feet from his property line, but his question is, what is the impact of his business on his property? Bob said his wife, Sheila will play a video of the noise they hear, when he grinds things.

Mr. Cote asked what the times were? Bob said it's not every day, but there are noises, and he doesn't know what will happen in the future.

Mr. Doherty said the ZBA granted this, and this board can put conditions on the operation. He said this board will set conditions on lighting, noise and hours of operation. Bob asked if the board could deny this business.

Ms. Beauregard said she doesn't think this board can deny it, because there was an appeal period that's gone by on the decision that was made. She said this board can't deny it without anyone appealing it.

Mr. Doherty said he's never heard of that either. He said this board can put conditions of approval on it. Bob said the variance was denied and 90 days later he brought it forward as doing the same thing, as a home occupation, special exception. Mr. Doherty said the applicant is looking for his site plan approval and we can now put conditions on it. Bob asked if this was an industrial zone business?

Mr. Doherty asked Ms. Beauregard to pull up a general home occupation in zoning.

Mr. Cote said a light industrial zoning building in a business would probably have more than 5-10 employees and we don't know what he is asking for. Mr. Cote said he is asking to be self-employed and to work in his garage. He said Pelham allows people to have these business at their homes so they can make a living. He said some people can't find this type of building to do their business at.

Bob said this building is the size of his house. Mr. Cote said we're not talking about the building; we are talking about the business. Bob said that's where the business is, in that building. Mr. Cote said we need to talk about the impact of the business, not the building.

Bob read his conditions: 1. Mr. Welch's lawyer mentioned having a sunset clause, which is a contract that will expire on a specific date. His lawyer said Mr. Welch is looking to get his business started and he is hoping to look for property and then build in two years' time. Bob said he would like to see that set as a condition (a sunset clause of 2 years). 2. He said Mr. Welch will not have a sign or a dumpster and have only one employee. 3. As for the hours, it would be the normal business hours 8-5, Monday through Friday.

Sheila played a recording for the board that was taken on October 20, and said it was taken from about 1:30 and it continued until 4:00. She said it's not every day and that was recorded from inside her house. She said it's only when he is sanding or grinding. She asked for a condition, she won't ask for any more sound equipment to go in there. As long as he only stays for the 2 years. She said Mr. Welch stated it's a silent business. Bob said the 2 years will be fine, they agree to that.

Mr. Jim Greenwood, of 7 Woodbury Ave introduced himself. He said he has a machine shop 90 feet from his house in a mixed-use area. He says trucks are always dropping metal off and he hears noises and employees. He said that was approved even before it was mixed use, and they got a variance to put that in. He said there is also a machine shop off of Atwood Road with houses right next to it for many years. He wanted to make sure everyone knew there are machine shops in Pelham in residential areas.

Mr. Jim Bergeron mentioned other machine shops in Pelham that operate inside their buildings and no noise comes out of the buildings.

Mr. Welch came back up. Mr. Doherty asked what kind of building he has? Mr. Welch said it's a metal building with insulation, with plywood and blown in insulation in addition to a vapor barrier. Mr. Doherty said there are limits as to the noise level in a home occupation and fumes.

Mr. Jim Bergeron said condition 7, under general home occupations 307-76. He said any use that may be objectionable, noxious, or smoke, fumes, noises, vibrations, heat or excessive illumination is prohibited. Mr. Cote said in addition, the use, storage or disposal of hazardous materials, chemicals or medical waste that are dangerous shall not be permitted without state or regulatory approval.

Mr. Jim Bergeron asked if the noise that was played, was after the sound suppression was put in? Mr. Welch said that was after and that was a carbide grinding on a stainless drum and it echoed. He said his primary work will be done with a regular grinder, not a carbide grinder so it won't be that level of noise. He went to the code enforcement officer and there were a few complaints made by the Taplin's. As of 11/9/22 there have been no noise complaints and he's been working everyday there. He said fabrication and machining, he would say they are the same and

fabrication is a broader term that encompasses welding with it. He says he does both welding and machining.

Mr. Jim Bergeron asked if his 6-foot fence was solid vinyl? Mr. Welch said yes.

Mr. Jim Bergeron asked what side of the arborvitaes is it on? Mr. Welch said the arborvitaes are on his side.

Mr. Doherty asked about the sunset clause. Mr. Welch said he is okay with the restriction of 2 years of having his home occupation and then he will move. Mr. Welch said he is already outgrowing this location size wise, so he is okay with finding something new.

Mr. Welch said his hours would be 8-5, Monday through Friday. If he is outside on a weekend, he is working on his own truck.

Mr. Cote asked if he has deliveries coming? Mr. Welch said most deliveries are UPS, FedEx or Amazon, and only a few were tractor trailer deliveries. He has since set up any large deliveries, where he picks them up himself instead of having a big truck coming there.

Mr. Cote asked when his deliveries would be? Mr. Welch said normal business/delivery hours.

Mr. Welch said he picks up steel and materials himself.

Mr. Bilapka asked what happens if he sells the property under the sunset clause, can another business go there? Mr. Doherty said even with the sunset clause, it does not go with the property. Mr. Welch said the special exception expires with him.

Mr. Cote asked how many employees he currently has? Mr. Welch said just himself. Mr. Cote asked what kind of restrictions does he expect regarding employees?

Mr. Welch said the general home occupation clause says he can have up to 2. He said he doesn't expect that, but he would be okay with 2.

Bob Taplin came back up and said if Mr. Welch is willing to do a sunset clause, then he is thrilled with that at 2 years. He would like the hours clause, no sign and no dumpster, which Mr. Welch has agreed to.

Mr. Cote said with the sunset clause, he said if after 2 years, his plans changed, would he come back here? Mr. Doherty said he didn't think he would have to come back to zoning, but he would have to come back here after 2 years if he wanted to stay.

Mr. Jim Bergeron said if the applicant and Bob were congenial with that condition and condition 7 were met (if he can contain the noise entirely) that would be the best. He said machine shops don't transmit any noise to anyone else's properties. Mr. Welch said the recording was before the fence was put up.

Mr. Jim Bergeron said regardless of where a business is, any fumes or noise that comes from it, is not something we let continue to happen.

Mr. Doherty reiterated, hours of operation are Monday through Friday 8-5, 2 years starting in January, and we can revisit it at that point if he needs more time. Bob said he agreed to no dumpster and no sign.

**MOTION:** (Mr. Cote/ Mr. Passamonte) To approve this plan subject to the conditions read.

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

**Case PL2022-00039 – PULTAR, Lisa and Shawn – Little Island Park – In accordance with RSA 674:41, Planning Board to review, and provide comment to the Board of Selectmen and applicant, to seek Board of Selectmen approval to allow a building permit on a Private Road.**

Mr. Joe Maynard introduced himself with Benchmark, LLC, he is here on behalf of Ms. Pultar. He said this land is off of Little Island Park and it's not within 250 feet of the pond. Her family has owned this land and her brother owns the lot in front of this and gave her an easement to this

lot. This variance was granted to allow a single-family home on this property with access over a driveway easement through a piece of land owned by her brother. Under 674:41, the first part was from zoning, which was achieved. The second part is from this board to get their comments to go to the Selectmen so they can review and hopefully issue a building permit.

Mr. Maynard said 674:41 deals with lots on private roads, and he mostly deals with whether there is room to park and store materials while the building takes place. In this case, there is room to park on the front lot or her other sibling's properties during construction. He ran this by police and fire, and they didn't see any issues. Honor Roll Road, which is the primary town road to get to this area and it's town owned. He is looking for this board's input to pass on to the Selectmen. Mr. Doherty said this lot is away from the pond and in an elevated area. He doesn't see any problems with it, but saw it says a replacement septic plan.

Mr. Maynard said Pelham article K rule says on new construction, he has to have a replacement septic area on his designs. He said it doesn't turn up a lot, but on new construction he had to put a reserve/replacement area on the design. The site does have a state approved septic with it. Mr. Doherty asked what Wheaton Drive is?

Mr. Maynard said the tax card says this is land off of Wheaton Dr. These are the old coffee lots and the town owned these lots, and they front up on Wheaton Dr. The tax card says land off Wheaton Dr. even though you can't get to it from there.

Mr. Cote asked if the driveway is shared? Mr. Maynard said no and there's an old right of way on the north side of the property. Mr. Pultar had the rights to come in that paper road that existed. When that road got discontinued, her brother got half of that lot and Ms. Pultar retained her right of access across that area. It would put that close to where the house is, so it was put further from the home, and she can now have a garage under in the new home. There is an easement for the driveway, and it hasn't been recorded yet, but it's been written.

Mr. Lynde asked what the lot size is? Mr. Maynard said it's 12,784 s/f. Mr. Cote asked if it is relatively flat? Mr. Maynard said there is slope, and the building footprint is ideal for a walkout basement/garage under.

Mr. Doherty opened this up to the public.

Mr. Mark Pultar of 17 Little Island Park introduced himself and said he is the brother of the applicant. He said his family has owned this land since the 1930's. He said his sister wants to be a resident and wants to build a house there and hopes this board allows it. He said she is not near the lake or any wetlands. The land itself is larger than most of the lots around her.

Mr. Jim Bergeron and Mr. Doherty said they both looked very close at this plan and did not see any issues with it.

**MOTION:** (Mr. Jim Bergeron/Mr. Bilapka) To recommend to the Board of Selectmen to issue a building permit for this lot.

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

**Case PL2022-00040 – 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 to subdivide lot 8-85 into 2 lots. The existing house (on Lot 8-85) will remain on a 14-acre 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.**

**Case PL2022-00041 – Bridgeside Commons, LLC – 579 Bridge Street – Seeking site plan review for a 65-unit apartment building on a 30.5 acre parcel subdivided off the parent lot where existing home will remain on 14 acres.**

Mr. Joe Maynard from Benchmark, LLC introduced himself.

Ms. Masse-Quinn read the list of abutters.

Mr. Maynard there are two parts to this, one is a lot line adjustment with the abutter and the subdivision of the property of 579 Bridge Street. The second application is the site plan and because of the time tonight, he wanted the site plan to go out to Mr. Keach for review and he asked for a continuance to sometime in February so we can get anything back from Mr. Keach. He said he isn't looking for the subdivision to be approved until such time that the site plan. He said his intent was to get the site plan portion sent out to Mr. Keach. .

**MOTION:** (Mr. Cote/Mr. Passamonte) To accept this plan (lot line adjustment) for consideration.

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

Ms. Masse-Quinn asked if we were working on Ms. Corbin's lot line change or the next item? Mr. Doherty said we read the abutters list of this and accepted 'this' for consideration and if we do that, then we can move on to the next one.

Ms. Beauregard said the abutter's list covers both plans.

Ms. Masse-Quinn asked if we were on item #7? Mr. Doherty said yes. Mr. Doherty said this has been conceptual, but now it's a plan.

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

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

Mr. Maynard said his intent is to send the site plan to Mr. Keach for review and he will accept a date in February to come back to discuss the details.

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

Mr. Cote said to send it to Mr. Keach. Ms. Masse-Quinn asked if we were discussing the Lisa Corbin item?

Mr. Maynard said the first plan is the subdivision, where they are taking the 44-acre tract, subdividing off Mr. Gendron's home on 14 acres and subdividing the remaining 30.62 acres for the apartment building plan. As part of the apartment building plan, Conservation asked him to work with the neighbor to try and avoid a dredge and fill impact. He said Mr. Renaud was able to get a P&S to acquire 1000 s/f of Ms. Corbin's lot so they could slide their driveway 75 feet east and avoid 100% of the wetland impact. Everything is contingent upon the site plan, even if the subdivision was approved, he's not going to act on it until such time that the site plan is approved. He's asking both plans to be continued until February so Mr. Keach can review. Mr. Doherty said there are conservation letters, and one says there's 50 feet tangent length and another one says 22 feet.

Mr. Maynard said they have a waiver request in. The original application was 50 feet, but he misinterpreted how zoning wrote the tangent length. Since this is large width right of way, so that's a waiver request part of the site plan application.

Mr. Doherty said it's a 22-foot tangent. Mr. Maynard said it's almost 40 feet from the edge of pavement to the edge of the right of way itself. The pavement itself is about 36 feet wide. The waiver request is because the road is pushed into the wetland area. The purpose of the waiver is to avoid a wetland impact.

Mr. Doherty asked how far into the wetland would it push him? Mr. Maynard said it would push him about 35 feet into the wetland itself. Mr. Maynard said prior to Mr. Renaud purchasing this



land from the abutter, the wetland impact was about 6000 s/f of wetland filling. Because of this purchase, it can slide the road 75 feet east and with that, it avoids all wetland impacts.

Mr. Doherty said he will still either way need a special permit. Mr. Maynard said the way the state works, is if it's under 10,000 feet there's no fee with filling a wetland. If it goes over 10,000 feet, you have to pay into the ARM fund.

Ms. Masse-Quinn asked if the lot was 44 acres in size? Mr. Maynard said yes, it's about 44 acres in size. She said the remaining house will be on the 14-acre lot. She asked if he is using the 30.59 for his full calculation on that for the 65-unit apartments? Mr. Maynard said yes. She said out of the 30.060 acres, is he putting the 65 apartments on 5 acres? Mr. Maynard said the State of NH looks at it as the 30 acres he's putting it on, they take the whole lot into consideration. He also said they talked about this at the last conceptual meeting.

Ms. Masse-Quinn said the remaining acres are 25.59? Mr. Maynard said the remaining acres is 30.59 acres. Ms. Masse-Quinn said if you take away the five acres he's developing on, leaves him with 25 acres in the back. Mr. Maynard said yes. Ms. Masse-Quinn asked him if he's going to build on that property. Mr. Maynard said he can't. Mr. Doherty said he's used all the septic load capacity.

Mr. Maynard said he's used the density for the 65 units and it's not being built on.

Ms. Masse-Quinn said on page 2, anything over 5 acres has to require a NH DES subdivision approval. Mr. Maynard said that is when you are making plated house lots and he's not doing single-family, residential or duplex homes and the 5-acre threshold does not come into place.

If this was to be made into condominiums in the future, it would need NH subdivision approval for the condominium conversion of the property, but under one ownership it doesn't.

Mr. Jim Bergeron said the special permit he needs will have to come from this board for the limits of the WCD district. He said the conservation commission came back as a negative for that, for us to not recommend that. He said the majority of this is in the WCD district and he if the board wasn't going to recommend that and does he want to see anything on that?

Mr. Maynard said he's been to conservation five times now. The one hang-up they have is they want them to put the backland into a conservation easement. He said they have concerns with drainage and their septic systems. He said he wants to move forward with Mr. Keach's review first before he gets those permits. He said they may have to get an alteration of terrain permit and there are a lot of hanging things at this time.

Mr. Jim Bergeron asked the wetlands between the two areas and he thinks the total of the loading on both sides can't be used in loading calculations. He asked how he will address that.

Mr. Maynard said DES will look at everything, they won't care that it is fragmented by a wetland or an upland. They take all the land there is.

The second part is that DES, under site loading, they have poorly drained and very poorly drained soils. He said they let you count all the group 5 soils toward the loading number. The 2000 gallons per day, per acre that's on the books, if you have 2 acres of poorly drained soil, that gives you 4000 gallons divided by a soil factor of 3. He said that's about 1100 gallons per day. He said if he does the loading calculations for this piece of property, it allows up to 220 bedrooms. That's the count DES will allow based upon the soils on this property. In this case, he is doing 165 bedrooms. That's almost 50% of what is allowed, and your regulations are more restrictive than the state and this is what the bedroom count for the building is based on.

Mr. Jim Bergeron asked if his loading was 19.5. Mr. Maynard said 19.6. Mr. Jim Bergeron asked how he counts for the nitrate separation chart. Mr. Maynard said his plans represent all of the nitrate setbacks associated with the septic designs. The septic designs are in his submission. If he was creating only one leach field the nitrates setbacks wouldn't fit. The state says to break up the nitrates into individual, smaller fields, which he has done for many years. It allows him to

dose them and give them rest periods. There are 12 leach fields across this property and those are broken into 2 separate septic systems. One system does 32 units, the other does 33 units. It's a timed dosing so each field handles anywhere from 999 to 3000. The nitrate setbacks are shown on the plan, and they show he meets the state of NH's nitrate setbacks associated with DES ENV WQ1000. He said DES will have to approve that, but not until he is through drainage design with AOT.

Mr. Maynard said all of these septic's are all a pretreatment measure and are all aeration systems, which are clean solution designs. He said there are six tanks associated with each system. There are two 3500-gallon septic tanks to handle the sludge component and then there are two 4000-gallon biochron, which is the aeration chamber for the biological oxygen demand and then there's two settling chambers and those are both 4000-gallon tanks. The water that leaves those is really clean water.

Mr. Jim Bergeron wanted to warn him that the conservation commission has a negative approval for the WCD impact and that will weigh heavily on his decision.

Mr. Maynard said once they get through this, they will go back. He said the conservation commission commented on the replanting and landscaping for the temporary WCD impacts. When they first started, the WCD impacts were over 30,000 s/f and now they are 16,000 as a temporary impact that is being completely replanted, 10,000 of it is the actual driveway.

Mr. Jim Bergeron said section 307:40 that says street roads don't go in WCD districts.

Mr. Maynard said unless necessary.

Mr. Jim Bergeron said that's a big portion in that access road.

Mr. Renaud said they are aware and have been to the conservation commission five times.

Mr. Jim Bergeron said they still need to talk about the retention pond and the snow and salts that may go into that pond.

Mr. Maynard said conservation already asked about snowstorms. He said he's already made the detention pond 25% bigger than it needs to be from conservation's comment about if the pond will be used for snow storage. The pond is about 50,000 cubic feet, so over an acre of water storage over a foot. Also, that detention pond is actually an infiltration pond, so in a smaller storm nothing leaves that pond. All of the pre to post development scenarios for both 2-, 10-, and 50-year storm events all have a net decrease in runoff from any of the drainages associated with this property. He said he tries to overdesign where applicable and takes these things very seriously.

Mr. Jim Bergeron said there is a huge zoning concern for the WCD impact and it's major in his opinion.

Mr. Renaud said one other concern from Mr. Jim Bergeron was from highway safety and he said he received unanimous support for both the site layout and also the building from the fire, police departments and the DPW. He knows the wetlands are a big deal. He said they've offered a lot for the conservation commission issues. He thinks they've gone above and beyond relative to other impacts. He said a few conservation members said they want to see Mr. Keach's review.

Mr. Jim Bergeron said for him to meet our zoning requirements and stay out of the WCD district with the access road, it changes what is there and he doesn't see this as a reason given in section B. He said they can find another way to do this.

Mr. Renaud said when they did their site walk with conservation, one of their big concerns was the neighbor buffer. When they purchase Ms. Corbin's land, there will be a buffer and they asked if they could get the building further away from the abutter. He said they could, but then they would encroach more into that buffer.

Mr. Jim Bergeron said they may not be able to meet the setback requirements if they tried to do that.

Mr. Renaud said they met that. Mr. Maynard said they had the building a lot closer to the abutter in the beginning. Mr. Jim Bergeron asked if he was out of the WCD at that time?

Mr. Maynard said a lot more of the road was out of it, but he had a larger wetland impact at that time, and it created a larger WCD disturbance before Mr. Renaud purchased the 1000 s/f of the abutter's land.

Mr. Renaud said they are trying to balance a lot of things. Mr. Maynard said they are fine with going back to conservation after Mr. Keach's review. He would like to come back to the board after Mr. Keach's review.

Mr. Doherty opened this up to the public.

Mr. Al Steward of 6 Vista Drive and conservation introduced himself. He believes the board has read the letters from conservation and he thinks they were clear as to their concerns from the October and December letters. They reviewed the landscaping and planting schedules and snow and detention ponds. He said what was said tonight was accurate and they are concerned with septic loading and Mr. Keach's review. He said they agreed 7-0-0 to the planting schedule. He said the December 17<sup>th</sup> letter, they also reiterated their rejection of the plan as a site plan project. He said as it stands now, his concerns are the impacts defined in the October letter in the WCD. The impact to the abutter was addressed by the proposed screening, size of the trees are acceptable. He said they encouraged the applicant to get this reviewed before they move forward to see how this may be acceptable or not by Pelham's engineers.

Mr. Jim Bergeron asked if the conservation is still opposed to the WCD impact for the access road? Mr. Steward said yes, for the WCD impact and the other things called out in the letter such as the wetlands and the snow placement.

Mr. Maynard asked to be date specified to come back. He asked for February 23, 2023.

### **ADMINISTRATIVE**

#### **Map 32 Lots 1-146, 148, 149 – Skyview Estates LLC, Phase I, Request for bond release**

Mr. Doherty said there is a letter from Mr. Quirk saying all outstanding items have been completed and all remaining bond money should be released. The bond was \$622,451.28, later reduced to \$36,799.20. He is requesting a full bond release of that amount.

**MOTION:** (Ms. Masse-Quinn/Mr. Bilapka) To grant the bond release request.

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

#### **Map 7 Lots 9-135, 9-135-1, 9-135-3, 9-135-11 – Wildwood Estates – Request for bond reduction.**

Mr. Doherty said Mr. Quirk's letter indicated that based on the amount of work that's been done, we should reduce the bond by \$70,207.50, leaving a balance of \$12,103.75 to support the completion of the project.

Current bond is \$82,311.25 and if we reduce it by \$70,207.50, we will retain \$12,103.75.

**MOTION:** (Ms. Masse-Quinn/Mr. Bilapka) To reduce the bond by the specified amount.

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

Ms. Beauregard said regarding 9 Dick Tracy Drive, Peter Murphy. She said it's a commercial site, he did one building already, completed it and he's now starting his second building. He has a bond up for \$38,388.00 for the first building. According to Mr. Quirk, that bond for building one is complete and they recommend releasing that in full. With that, they will require a \$18,295.00 bond to carry through the second building.

She said they are asking to release \$38,388.00.

**MOTION:** (Ms. Masse-Quinn/Mr. Bilapka) To release that bond.

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

**ADJOURN**

**MOTION:** (Mr. Passamonte/Mr. Bilapka) To adjourn the meeting at 11:27 pm.

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

Respectfully submitted,  
Jennifer Castles, Recording Secretary