

**APPROVED  
TOWN OF PELHAM PLANNING BOARD  
MEETING MINUTES  
July 3rd, 2023**

Chairman Tim Doherty called the meeting to order at approximately 7:04 PM.

Secretary Danielle Masse-Quinn called roll:

**PRESENT ROLL CALL:** Tim Doherty – present  
James Bergeron – present  
Danielle Masse-Quinn – present  
Joe Passamonte – present  
Bruce Bilapka – present  
Selectmen’s Representative Charlene Takesian – present  
Alternate Hal Lynde – present  
Alternate Samuel Thomas - present  
Alternate John Spottiswood - present  
Alternate Scott Sawtelle – present  
Planning Director/Zoning Administrator Jennifer Beauregard – present

**NOT PARTICIPATING:** Roger Montbleau  
Selectmen’s Alternate Representative Jaie Bergeron  
Alternate Paddy Culbert  
Recording Secretary Heidi Zagorski

**PLEDGE OF ALLEGIANCE**

Chairman Tim Doherty stated that Mr. Samuel Thomas would vote on the meeting minutes of June 19<sup>th</sup>, 2023, and the first Case #PL2023-00018 in place of absentee member Mr. Roger Montbleau.

**MEETING MINUTES**

The Board members had no changes or revisions to the June 19<sup>th</sup>, 2023 meeting minutes.

**MOTION:** (Masse-Quinn/Bilapka) To approve the June 19<sup>th</sup>, 2023 meeting minutes as written.

**VOTE:** (6-0-1) The motion carried.

**NEW BUSINESS**

**Case #PL2023-00018**

Map 8 Lot 9-69-36

MONTANARO, James & Shelley – 62 A & B Arlene Drive - Seeking approval of a Waiver to Article XII, Section 307-74H of the Zoning Ordinance to allow a second driveway for an Accessory Dwelling Unit, to remain. Special Exception Case #ZO2021- 00009, granted 03/08/2021.

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

Mr. James Montanaro and Ms. Shelley Montanaro both of 62 Arlene Drive introduced themselves. Ms. Shelley Montanaro stated they are looking for approval for the driveway that was used for the construction of the accessory dwelling unit. Mr. Doherty stated to the Planning Director Ms. Jennifer Beauregard that the applicant is seeking a waiver from the Zoning Department. Ms. Beauregard replied yes because now that it is under a conditional use permit of the Planning Board rather than a variance of the Zoning Board it is before this Board. Ms. Beauregard added that the applicant is looking for a second access and that the second driveway is already existing. Ms. Montanaro stated that the second driveway is currently a stone driveway and Mr. Jim Hoffman signed off on it. Mr. Bilapka asked the applicants if they plan to keep it unpaved. Mr. James Montanaro replied that it would remain this way and that they would want to make sure that they can before they do.

Mr. Doherty asked if both of the driveways are coming off of the same road. Ms. Montanaro replied yes and that there is over 200 feet of frontage. Mr. Bilapka asked what the footage is between the two driveways. Mr. Montanaro replied it is approximately 285 feet.

Mr. James Bergeron said the new driveway that goes to the accessory dwelling unit would be northeast of the original driveway. Mr. Bergeron asked where the driveway was located on the lot next to the applicant. The applicants replied that the neighbors on both sides of them both have a semi-circle horseshoe-shaped driveway with two cuts onto Arlene Drive.

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

Mr. Doherty asked Ms. Beauregard if she felt the Planning Board had the ability to waive the zoning for the additional driveway. Ms. Beauregard replied yes.

Ms. Beauregard explained that it is a Conditional Use Permit now which the voters voted on in 2022 so it is now in the purview of the Planning Board. She added it is an Innovative Land Use section now. Ms. Beauregard said ADUs now get approved in her office provided they meet all of the criteria. She said if any of the criteria cannot be met then it comes before the Planning Board for a waiver. Mr. Bergeron further explained that because it is Innovative Land Use the Board of Adjustment doesn't see any of it; it is strictly here at the Planning Board. He said if the applicant is not happy with the decision they have to appeal directly to Superior Court. Mr. Bergeron said the Planning Board has total authority over Innovative Land Use issues. Mr. Bergeron confirmed this with Chairman Doherty.

Mr. Joe Passamonte asked Ms. Beauregard if the applicant would need a permit for the driveway. Ms. Beauregard said yes, they need a driveway permit and a certificate of occupancy.

**MOTION:** (Masse-Quinn/Bilapka) To accept the waiver to Article XII, Section 307-74(H) for consideration.  
**VOTE:** (7-0-0) The motion carried.

**MOTION:** (Passamonte/Thomas) To approve the waiver to Article XII, Section 307-74(H).  
**VOTE:** (7-0-0) The motion carried.

**Case #PL2023-00019**

Map 29 Lot 7-27-1

CROSSROADS BAPTIST CHURCH – 43 Atwood Road - Seeking minor Site Plan review to deviate from the prior approved Site Plan, Case # PL2022-00025 on 07/07/2022. The applicant requests to eliminate the plantings located

on the edge of the 50' WCD buffer and to maintain a manicured lawn within the 50' WCD buffer.

Mr. Joe Passamonte recused himself from this case. Mr. Doherty asked Mr. John Spottiswood to vote on Case #PL2023-00019.

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

Mr. Joe Passamonte introduced himself from 17 Stone Post Road. Mr. Passamonte stated that this is for a minor site plan change at Crossroads Church. He said this plan was originally brought before the Planning Board in 2019 when the first modular building for the school was being put in and it impacted the retention area. He said this required them to elongate the retention area and added this work has been completed. Mr. Passamonte said they would like to not put in new plantings because the adjacent delegated WCD has already been grown in with native grass and bushes. He said they are looking to leave the natural grass in its state at the top of the retention area. He said in the WCD Zoning Section 307-39 Permitted Uses Letter D states that parks and recreational uses are permitted so they would like to maintain the natural grass without using any fertilizers along the sides of the ponds.

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

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

Mr. Bergeron said in the Wetlands Conservation Districts sections stated that recreational uses, trails, and parks are permitted within a WCD. Mr. Bergeron said he visited this area and proceeded to describe the area just outside of the retention area that rises up and is a natural barrier with natural grasses growing on it. He was surprised to see the amount of growth that has happened there. He said that this is a retention detention area and if the area gets overgrown, it is going to have to be maintained. Mr. Bergeron said if the area that is natural grass now where the plantings were proposed, if the plantings were put there, you would not be able to get to the retention pond area for maintenance and the proposed plantings would also create a root system that is not going to allow the water to drop down which is the opposite of what you want a retention pond to do.

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

Mr. Bergeron asked if the Board sees this as favorable, he would like to ask for one condition. Mr. Bergeron said he would like to make it a condition to not use any fertilizers that we do not want to find their way into the wetlands.

**MOTION:** (Bergeron/Bilapka) To have no chemical fertilizers applied in the area of the WCD.

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

**MOTION:** (Masse-Quinn/Sawtelle) To approve the plan with the new condition to have no chemical fertilizers applied in the area of the WCD.

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

### **Case #PL2023-00020**

Map 41 Lot 10-246

SMOKE & FLAME HOOKAH LOUNGE, KALTSAS, Stephen (applicant) – MZL REALTY LLC (Owner) – 10 Bridge Street - Seeking Site Plan review to allow 'Steve's Street Meats' food truck to be parked in the front left corner of the parking lot, or on the grass, in front of Smoke & Flame Hookah Lounge, for an extended period of time.

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

Mr. Steve Kaltas from 60 Scott Street in Dracut introduced himself. Mr. Kaltas explained he is here to get approval for his food truck because it is going to be in front of Smoke & Flame Hookah Lounge for an extended period of time.

Mr. Doherty confirmed it is in the plaza to the left of the Mobile Gas Station.

Ms. Takesian asked if the yellow highlighted area on the plan was where Mr. Kaltas planned to park the food truck. Mr. Kaltas explained there is a patch of grass on the inside of the guard rail that the truck fits perfectly on without taking up any parking spots and is not in the way of any traffic going in or out of the parking lot. He explained the highlighted parking spot is also available if there was any opposition to the grass area closer to the street. Ms. Takesian confirmed with Mr. Kaltas that the highlighted spot was the alternative spot for the truck.

Mr. Doherty asked Ms. Beauregard if the lines drawn on the plan show the old or new limits of the WCD. Ms. Beauregard stated it is part of the WCD overlay district. Mr. Doherty confirmed with Ms. Beauregard that special permits would have been received from the WCD for the building and parking lot at that time. Mr. Doherty said because it is a food truck in front of a congested area within the WCD that it should probably go in front of the Conservation Commission and Highway Safety. Ms. Beauregard said the plan does show the State's right of way and does look like the guard rail is off of the property and on the State's right of way.

Ms. Takesian said when this plan initially came to this Board, she would assume the parking spaces were taking into consideration for the number of businesses in the building. Mr. Doherty said he believed the upstairs did not have any businesses in it. He added they had to limit the amount of business that could be there and that the second floor would be used mostly for storage. Ms. Takesian said if they would not allow businesses on the second floor why would they allow another business? Ms. Takesian asked Mr. Kaltas if the food truck would be there full-time. Mr. Kaltas said yes except for catering or different events. Ms. Masse-Quinn asked for clarification on where cars would park for the food truck. Mr. Kaltas stated the parking spots in front of the businesses along the left side of the building would be available. He also said he rents units 4 and 5 and as of right now he is not open during the week and doing minimum business during the weekend leaving that end of the parking lot barren.

Ms. Takesian asked Mr. Kaltas if he has a food license or if he served food in his business. Mr. Kaltas answered no.

Mr. Doherty asked Mr. Kaltas about the three dumpsters that are off the pavement and located on the grass. Mr. Doherty said he noticed those would be in the WCD on this plan adding that it may not be a good idea.

Mr. Bergeron asked Ms. Beauregard if a good portion of this development got set within the WCD. Ms. Beauregard said yes and explained the initial site plan has all the special permits and waivers that were approved for the initial building. Mr. Bergeron said for this particular application this location is well within the WCD and asked if this would have to initiate at the Board of Adjustment. Ms. Beauregard said because it is on an established part of the plan, it does not, however, they could not encroach any closer to the WCD that is not already an established portion of the lot. Mr. Doherty said this is a new business that is not a part of the building itself. Ms. Beauregard explained one of the initial waivers of the site plan regulation Section 248-39 states no site improvements within 25' of the wetlands and no wetlands shall be filled. Mr. Bergeron said that was then and this is a new application that would apply to the current wetland conservation district. Ms. Beauregard added that if the applicant wanted to go on the grass next to the wetlands, that would not be allowed. Ms. Beauregard said it would be up to the Board to decide whether the food truck could park in the highlighted parking spot. Mr. Doherty said even though it is mobile, it is a business that would be in place and would still have to meet the setback requirements. Mr. Doherty said he is leaning towards sending the applicant to the Conservation Commission and the Highway Safety Department.

Mr. Kaltas asked the Board what it would take to get his food truck operational for the Hawkers and Peddlers License. He said he was denied the license and was told to come in front of the Planning Board because his truck would be there for an undetermined amount of time. Mr. Kaltas asked if there was an allotted amount of time he could stay there before he would have to move it and bring it back. Mr. Doherty said a Hawkers and Peddlers License is not something the Planning Board would be issuing and added this is the first he has heard of this. He further explained that he has a site plan in front of the Board that intensively uses WCD encroachment. Mr. Doherty said in the building that is there if you change the use of any unit and if it is not a similar use that is there, you would come before the Board to determine if there is enough parking or if it is a fit use for the site plan. Mr. Doherty explained to the applicant that the site plan proposed to come away from the building, there are height limits and also concerns about the WCD because the site plan is within the WCD. Mr. Doherty explained when this happens, they seek guidance from the Conservation Commission. He also said where the food truck would be parked along Rte. 38, they would normally get Highway Safety involved to determine the traffic patterns and determine if it would be a good fit.

Mr. Doherty opened the discussion to the public.

Ms. Masse-Quinn read the following abutter letter into the record.

“Good Afternoon, I am currently out of town and am unable to make this meeting regarding Case #PL2023-00020. I was told I could send an email and the Board would read my concerns into the record and they would be addressed. I have some questions and concerns about having a food truck located in the prosed locations.

1. What does an extended period of time mean? For example, is this 30 or 60 days or is there a set end date? I believe this is an ambiguous request without any set definition of a time frame for the beginning and end.
2. Parking would be another concern. Will people be parking along Rte. 38 to stop at the food truck? The proposed location of either place would be difficult. Safety would be my main concern with people driving into the complex and people walking to the food truck. Also, does the State of New Hampshire own so many feet on either side of the road? Would this infringe on the State’s property? The location is on the grass area. Also isn’t there either a stream or wetlands on the edge of the grass on the proposed site? The safety of individuals walking in that area would be a concern, More importantly, the parking. The Parking lot is set and approved for the size of the current building and the current business. Adding another “establishment” of a food truck for an extended period of time certainly limits the overall parking availability.
3. Will there be outside seating offered such as picnic tables and if so, where will they be placed and how many? Again, safety in the parking lot is a concern based on the proposed two locations especially if it is going to be right along one of the two entrances or exits in the facility.

I appreciate your time in addressing my concerns and questions. Please let me know if anything else is needed.  
Thank you, Holly Howe”

Mr. Doherty asked if any other abutters would like to be heard. As no one came forward from the public, Mr. Doherty closed the discussion to the public.

Ms. Takesian stated concern regarding the applicant’s retail food and inspection report. Mr. Kaltas said everything passed. Ms. Takesian said she would like to see a report that says everything complies before she would agree to approve this. Mr. Kaltas said the Health Inspection completes the initial inspection and then 45-90 days after you are open, they will come for the final inspection.

Mr. Doherty said as far as this Board is concerned this is adding another business on this site. He said they would have to decide whether or not this site has the ability to handle the business. Mr. Doherty said in the past he knows it has not. Ms. Mass-Quinn said she is concerned with the parking spots available, the traffic, and the safety.

Mr. Bergeron said this is going to have to be looked at from a parking saturation point.

Mr. Kaltas asked the Board where they would suggest placing the food truck. Mr. Bergeron said that is not a choice they can make, adding that they do not design.

Mr. Doherty asked if the Board would like to send this case to the Conservation Commission and the Highway Safety Department for input.

Mr. Doherty stated that Mr. Scott Sawtelle would vote in place of absentee member Mr. Roger Montbleau.

**MOTION:** (Sawtelle/Bilapka) To send Case #PL2023-00020 to the Conservation Commission and the Highway Safety Department.

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

**Case #PL2023-00021**

Map 22 Lot 8-118

PRUDHOMME PROPERTIES – 9 Main Street - Seeking Site Plan review to add a single-family home at the rear of the property which is in the MUZD (Mixed Use Zoning District), and a Special Permit to convert the property to a condominium form of ownership.

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

Mr. Joe Maynard from Benchmark, LLC. introduced himself along with Mr. Alex Prudhomme and Mr. Gene Prudhomme. Mr. Maynard stated the applicants are looking to build a house on the back portion of the lot for Mr. Alex Prudhomme and his family. Mr. Maynard said they are seeking a special permit request to allow the construction of a single-family home on the rear portion of this property. Mr. Maynard said they are also asking to allow this property to be a condominium. Mr. Maynard explained for Mr. Alex Prudhomme to have a mortgage on the rear portion and the remainder of the mortgage on the front, they would need to do a condominium form of ownership on the property.

Mr. Maynard explained this piece of land can support about 4,000 gallons per day for septic loading. He said the current improvements of the front of the property handle 1,499 gallons per day. Mr. Maynard said this new structure that would be constructed in the rear would have its own septic system. He said it would be a three-bedroom home which would be an additional 450 gallons per day resulting in just under 2,000 gallons per day of what the property can support.

Mr. Maynard explained the drainage was looked at for a full buildout of this property and they constructed a detention pond that would handle the front building and a larger development than what they are proposing.

Mr. Maynard explained the front building required a little over 20 parking spaces. He said the new residential house would have its own two-car garage and a driveway for 3-4 cars.

Mr. Maynard said the only place on the property that is not outside the 15-foot setback is an area that was granted a waiver as part of the commercial building. He said the new residential house that would be constructed at the rear of

the lot would meet the 15-foot setback.

Mr. Maynard said this would be a two-story structure that would remain under the 30-foot height requirement.

Mr. Maynard explained the waivers they are seeking. The first waiver deals with a wetland scientist. He explained in 2018 they had the property evaluated and there were no wetlands on it at that point in time. He added all of this work is in the uphill region of the property and does not feel there is a need to have a wetland scientist. The next waiver deals with site-specific soil mapping. He said with the prior application site-specific soil mapping was done on the property. He said primarily this is called urban land adding that the center of town is really more of a deep sand and deep-water table, high perc rate type of soil. Mr. Maynard stated Section 302-3(E)3.B8 deals with lighting. He said this would be a residential home at the rear of the lot and all of the lighting done as part of the commercial building met all of the criteria. Mr. Maynard said the next waiver deals with landscaping. He said the applicants have done the landscaping around the commercial portion of the property. He said they have a landscaping waiver request to allow the landscaping portion to remain open until the home is built. Mr. Maynard said the last waiver deals with doing a new drainage report to update the plan.

Mr. Bergeron confirmed with Mr. Maynard that the applicant is seeking a total of five waivers.

Mr. Doherty stated that Mr. Scott Sawtelle would be voting in place of absentee member Mr. Roger Montbleau.

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

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

**MOTION:** (Bergeron/Takesian) To accept for consideration the waiver of Section 302-3(E)3.A15 for Wetland Scientist

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

**MOTION:** (Bergeron/Takesian) To accept for consideration the waiver of Section 302-3(E)3.A23 for Site Specific Soil Mapping.

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

**MOTION:** (Masse-Quinn/Takesian) To accept for consideration the waiver of Section 302-3(E)3.B8 for Lighting.

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

**MOTION:** (Masse-Quinn/Passamonte) To accept for consideration the waiver of Section 302-3(E)3.B9 for Landscaping.

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

**MOTION:** (Masse-Quinn/Bilapka) To accept for consideration the waiver of Section 302-3(E)3.B15 for Drainage.

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

Mr. Bergeron stated that Mr. Maynard has done a good job outlining the reasons why these waivers should be granted because they have been acted upon earlier.

**MOTION:** (Masse-Quinn/Bilapka) To approve the waiver of Section 302-3(E)3.A15 for Wetland Scientist  
**VOTE:** (7-0-0) The motion carried.

**MOTION:** (Masse-Quinn/Bilapka) To approve the waiver of Section 302-3(E)3.A23 for Site Specific Soil Mapping.  
**VOTE:** (7-0-0) The motion carried.

**MOTION:** (Takesian/Bilapka) To approve the waiver of Section 302-3(E)3.B8 for Lighting.  
**VOTE:** (7-0-0) The motion carried.

**MOTION:** (Takesian/Masse-Quinn) To approve the waiver of Section 302-3(E)3.B9 for Landscaping.  
**VOTE:** (7-0-0) The motion carried.

**MOTION:** (Takesian/Masse-Quinn) To approve the waiver of Section 302-3(E)3.B15 for Drainage.  
**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.

Mr. Doherty asked the Board Members to look at the pictural of the front and back of the proposed building. He said being in the MUZD (Mixed Use Zoning District) they need to verify that it would be a good fit. Mr. Bergeron confirmed with Mr. Maynard that there would not be any business located in the new building. Mr. Doherty asked the Board Members if they felt it is Colonial-looking and appropriate for the MUZD.

**MOTION:** (Bilapka/Masse-Quinn) To approve the plan as presented.  
**VOTE:** (7-0-0) The motion carried.

**MOTION:** (Bergeron/Bilapka) To approve the special permit request.  
**VOTE:** (7-0-0) The motion carried.

**MOTION:** (Takesian/Masse-Quinn) To approve a special use permit for a condominium form of ownership.  
**VOTE:** (7-0-0) The motion carried.

### **ADJOURNMENT**

**MOTION:** (Passamonte/Bilapka) To adjourn the meeting at approximately 8:35 PM.  
**VOTE:** (7-0-0) The motion carried.

Respectfully submitted,  
 Heidi Zagorski, Recording Secretary