

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
October 23rd, 2023**

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

Secretary Danielle Masse-Quinn called roll:

PRESENT ROLL CALL: Tim Doherty – present
James Bergeron – present
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 Paddy Culbert – present
Alternate Scott Sawtelle – present
Alternate John Spottiswood – present
Planning Director/Zoning Administrator Jennifer Beauregard – present
Recording Secretary Heidi Zagorski – present

NOT PARTICIPATING: Roger Montbleau
Selectmen's Alternate Representative Jaie Bergeron

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Mr. Doherty stated Mr. Paddy Culbert would vote on the meeting minutes in place of Mr. Roger Montbleau.

MOTION: (Passamonte/Bilapka) To approve the September 25th, 2023 meeting minutes.

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

MOTION: (Masse-Quinn/Passamonte) To approve the October 2nd, 2023 meeting minutes with the requested alteration.

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

Mr. James Bergeron noted that line 72 of the October 2nd, 2023 meeting minutes required a correction. Mr. Bergeron requested that the Recording Secretary check the meeting film and make the correction. The film was checked, and the name Mr. Joe Passamonte was changed to Mr. John Spottiswood.

NEW BUSINESS

PL2023-00030

Map 17 Lot 13-68

ANGUS, Heather & RUPPRECHT, Melissa – 1117 Bridge Street – Seeking approval of a Conditional Use Permit to erect a 1,000 sq. ft. detached Accessory Dwelling Unit (ADU).

Mr. James Bergeron recused himself from this case. Mr. Doherty stated that Mr. Sam Thomas and Mr. Scott Sawtelle would be voting on this case in place of Mr. Bergeron and absentee member Mr. Montbleau.

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

Mr. Nick Gikas of SBH Group LLC from 456 Locust Street in Danvers, MA introduced himself. Mr. Gikas said he is representing the applicants Ms. Melissa Ruprecht and Ms. Heather Angus as well as their mom regarding the detached Accessory Dwelling Unit (ADU) they are looking to build on their property. Mr. Gikas said Ms. Ruprecht and Ms. Angus would like their mom, who may need some assistance in the future as she gets older, to live in the ADU. Mr. Gikas said he is the contractor, and the engineer is available if needed.

Mr. Doherty asked how far off the road is the existing dwelling. Mr. Gikas said it is approximately 18' - 20' off of the street. He said the proposed dwelling is approximately 16' off of the street. The Planning Director, Ms. Jennifer Beauregard, said it would have to be at least 30' from the front of the property line (the lot line) to meet their current zoning requirements. Mr. Gikas said that the ADU would be 33' on the right side from the lot line and plenty of room to the left. Mr. Gikas said they could move the ADU back to meet the requirements.

Mr. Doherty asked if the septic design had been approved. Mr. Gikas said it has been approved by the State of New Hampshire. Mr. Doherty asked where the road would be because it was not in the drawing. Mr. Gikas said they would be using the existing driveway and coming straight across to the proposed dwelling. Mr. Doherty asked for clarification as to where the road is. Mr. Gikas said the street, Rte. 38, is in the front of the drawing where the two houses are shown. Mr. Gikas confirmed that they would push the proposed property back.

Mr. Joe Passamonte asked how big the structure would be. Mr. Gikas said it is 40' long, 26' wide, and 8' in depth. He said it would be a modular home with one floor and one bedroom. Mr. Passamonte questioned the plan because it appeared that it was two floors. Mr. Gikas said the second floor would not be developed and it could be used as storage. Mr. Passamonte said on sheet AP-201 of the plans, states the proposed 2nd floor only if made habitable any site work to this area must be inspected. Mr. Gikas said there are no plans for the second floor. Mr. Gikas said that is an option that they can do on the modular but there are no plans for the second floor.

Mr. Paddy Culbert asked what would happen if the owners moved. Mr. Gikas said he could have the applicant put in writing that the 2nd floor would not be developed, or Mr. Gikas said he could eliminate the second-floor option from the plans. Mr. Culbert asked what would happen if they sold the house and a second floor was developed. Mr. Gikas offered suggestions of putting this in the deed that the 2nd floor could not be developed, or he could keep the same floor plan and change the roof line. Mr. Culbert said he would be happy with that. Mr. Gikas said they would revise the house plan.

Mr. Bruce Bilapka asked Ms. Beauregard if the 1.79-acre lot is actual because there is no certified plot plan in front of the Planning Board. Ms. Beauregard said they were not able to confirm this. Ms. Beauregard said there were questions as to whether or not there was a lot line adjustment done back in the 1950's. Ms. Beauregard said the assessor cannot confirm that yet, but the abutter did come in today and show a plan. She explained there is a triangle behind the abutting lot that they believe belongs to their lot. She said the assessor could not determine even with the information the abutter brought in if this happened. She said there is some question as to if the lot is 1.79 acres or if it is 1.5 acres. Mr. Bilapka asked if it is at least 1.5 acres without the triangular lot. Ms. Beauregard said she can't be certain without knowing how much of that lot has been subdivided off it was.

Mr. Peter Robinson from 1129 Bridge Street introduced himself. Mr. Robinson said he is the abutter to the East. Mr. Robinson has a deed from 1953 that shows his parents brought that property from Romeo and Marion Gagny. He stated the dimensions are 135.5' to the Northwest, 202.5' along the stone wall, and 150' back to the starting point, adding that it is the shape of a triangle. Mr. Robinson said it is 10,162 square feet. Ms. Masse-Quinn asked if it was a recorded deed from the Registry of Deeds. Mr. Robertson said yes; it is Vol. 1353, Page 411. Ms. Masse-Quinn said it would be appropriate to request a certified plot plan and that it would also benefit both parties. Mr. Doherty said they would probably need a survey done because he thought the septic design was not adequate for what they were looking to do. Mr. Doherty asked the Board members what they thought of what Ms. Masse-Quinn and himself were saying. The Board members agreed. Mr. Doherty said the proposed setbacks are not currently meeting zoning. Mr. Doherty said they also have to meet the 1.5-acre requirement to make sure they have the proper land.

Mr. Samuel Thomas asked about the existing well and if it would support the new structure. Mr. Gikas said they would be putting in a separate well for the ADU. Mr. Thomas said it is not shown. Mr. Thomas asked what the output would be. Mr. Gikas said he would get the information from the engineer.

Mr. Robinson stated that he is not against this project. He said he would like to get this straightened out after all these years. He added that the triangular lot size is probably not going to stop the whole plan because it is less than .25 acres.

Ms. Masse-Quinn said that requesting a certified plot plan from the Registry of Deeds would benefit both parties.

Mr. Doherty said he would like to officially open the discussion to the public.

Mr. Doherty asked Ms. Beauregard about the septic distance requirements needed for the proposal of an additional well. Ms. Beauregard said they would have to meet the distance requirements from the state to approve septic design. Ms. Beauregard said the well ordinance is for new wells for new homes that have not been developed in the past, so that would not come into play. Ms. Beauregard said the state would require the distance from the well to the leach field.

Mr. Culbert said his understanding is, is that there is no second floor. Mr. Gikas said correct, and they would make that change to the plan.

Mr. Doherty asked if there were any other abutters who would like to speak on this plan.

Mr. Jim Bergeron from 27 Plower Road introduced himself, speaking as a citizen. Mr. Bergeron said he is a direct abutter to this property. He said he intimately knows this property and he abuts it in two places. Mr. Bergeron said he would ask the Planning Board to consider a conditional approval based on the requested items; a certified plot plan and no second floor. Mr. Bilapka said an issue with the new well would be the setback radius from the septic system. Mr. Bergeron said this would be a condition of approval from the state. Mr. Bergeron expressed that there is a time issue to get the building onto the lot, set up, and developed. Mr. Bergeron said it is their duty to help people and expedite their process as long as they know they can meet the conditions of approval. Mr. Doherty asked Mr. Bergeron if he thought the curb cut on Rte. 38 would be adequate to accommodate the second building. Mr. Bergeron said that Rte. 38 has 12,000 cars a day no matter where you put a curb cut. He said he thought it would be better for the applicant to use the common driveway and that is what they are proposing. Mr. Bergeron said when they open this up, they would have better access to Rte. 38. Mr. Bergeron said yes, he thinks it would be able to accommodate it well and would actually be an improvement.

Mr. Doherty asked if there were any other abutters who would like to speak on this plan. Hearing no response, Mr. Doherty brought it back to the Board. Mr. Doherty closed the discussion for public input.

Mr. Doherty said they need to meet the setbacks, show the well on a plan, show the location and building of the wells on a plot plan, and no occupancy of the second floor. Mr. Culbert said it would be the elimination of the second floor. Mr. Doherty said you would need some access for fire safety purposes and access. The Board discussed a panel or pull-down stairs for access. Ms. Charlene Takesian said another condition for the approval would be a certified plot plan showing it is at least 1.5 acres.

Mr. Passamonte asked if this would come before the Planning Board again, or just through the Planning Department. Mr. Doherty said it would go through the Planning Director, Ms. Beauregard at the Planning Department if the Board conditionally approves the plan. Mr. Bilapka added that the Board would be notified if the applicant did not meet the conditions.

Mr. Doherty asked if there were any members of the Board who were not comfortable with the condition of approval. Mr. Passamonte said he is borderline due to past issues. Ms. Takesian agreed with Mr. Passamonte. Mr. Bilapka stated that the applicant has to meet all the conditions, or it is not going to happen. Mr. Passamonte asked if the Planning Board would be notified either way of the outcome. Ms. Beauregard said yes.

Mr. Doherty reiterated that Mr. Sawtelle and Mr. Thomas would be voting on this plan.

Mr. Doherty confirmed with Mr. Hal Lynde that in order to have a detached ADU, the applicant would need to have a minimum of 1.5 acres.

MOTION: (Masse-Quinn/Bilapka) To accept the plan for consideration.

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

MOTION: (Masse-Quinn/Bilapka) To conditionally approve the plan the following conditions:

1. Receipt of a Certified Plot Plan showing the location of the proposed well and the location of the proposed ADU meeting all minimum setback requirements as well as a minimum acreage of 1.5 acres in accordance with the Pelham Zoning Ordinance.
2. Eliminate stairs leading to the second floor. May install an access panel or pull-down stairs.
3. Second floor to remain unfinished space.

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

Ms. Masse-Quinn asked moving forward, should the Planning Board ask for a certified plot plan from the Registry of Deeds. Ms. Beauregard said this could be added to the checklist of required items in the Planning Department.

MOTION: (Bilapka/Masse-Quinn) To add a certified plot plan to the requirement checklist for ADUs.

Mr. Doherty stated that Mr. Thomas and Mr. Sawtelle would be voting on this motion.

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

Mr. James Bergeron returned to the Board.

Mr. Doherty stated that Mr. John Spottiswood would vote on the next case in place of absentee member Mr. Roger Montbleau.

PL2023-00031

Map 14 Lot 3-81-0-23

FOWLIE, Paula J – 5 Oriole Circle - Seeking a Waiver to Article IX, Section 307-52D of the 2014 Zoning Ordinance, which was in effect at the time this 55 and older community was approved, to construct a deck that encroaches into the 50' building setback. The proposed deck is to be approximately 36' from the property line where 50' is required per the approved Site Plan.

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

Ms. Paula Fowlie introduced herself from 5 Oriole Circle. Ms. Fowlie said she is seeking a waiver for an open deck. Mr. Doherty confirmed with Ms. Fowlie that the open deck does not have walls or a roof. Mr. Doherty asked Ms. Beauregard if this would be considered a building. Ms. Beauregard said it is considered a structure. Ms. Beauregard said they do require any type of structure, including decks in a building setback. Ms. Beauregard said this is a building setback of 50'. Mr. Doherty said this is a Senior Housing development and the section says all buildings should be set back from the nearest lot line. Mr. Doherty said he did not think a deck was a building. Ms. Beauregard said it is not a building, but it is a building setback. Ms. Beauregard said all of their setbacks are a building setback. She said although it is worded this way, it would be up to the Board to decide if they think it is allowed.

Mr. Bergeron said they should set a precedent with the Planning Department. Mr. Bergeron said the Planning Board should decide tonight if people should come before the Board in the future for a deck. Mr. Bergeon asked if they could exclude having to put applicants through this for a deck. Mr. Doherty said a deck is not a building. Mr. Doherty said a decision should be made. Mr. Doherty said decks are not buildings and they should be allowed to not be part of a 50' setback. Mr. Passamonte said a deck is extending the footprint of the building. He said it is not separate, it is attached. Mr. Passamonte said if you allow this one, you could potentially get everyone else who wanted to add a deck.

Ms. Takesian said the subdivisions have the 50' setback for a reason. She said this particular subdivision has a lot of houses that are right along that 50' setback line. Ms. Takesian said if they allow one person to do it, it could lead to others who want to add decks and the people of Mayflower Lane are going to have people encroaching in their backyard. Ms. Takesian said she thinks any structure should have to come before the Board.

Mr. Bergeron said this will not be the first deck you will see. He said it would be one of many. Ms. Takesian said she agreed. Ms. Takesian said this lot is overdeveloped and the reason the 50' buffer zone is there is to protect the homeowners on the other side of the development.

Mr. Doherty read the definition of a building from the zoning ordinance. Mr. Doherty read: *any combination of material whether portable or fixed having a roof which forms a shelter for the structure of persons, animals, or property*. Mr. Doherty said it does not have a roof, so it is not a building. Ms. Beauregard said she agreed that it was not a building. Ms. Beauregard said the way they look at it in the Planning Department is those setbacks were made for any type of structure. Ms. Beauregard asked the Board to let them know if they think it is being misinterpreted in their office. She said then they would allow structures up until 15' to the lot line, referring to a deck. The Board continued to discuss how specific they would get with this interpretation.

Mr. Bergeron asked if there was a buffer area behind the applicant's building. Ms. Fowlie said yes, there are woods.

She explained that she could not see the home behind her because the woods covered it. Mr. Bergeron asked if any of those trees and bushes would have to be disturbed to put the deck in. Ms. Fowlie said no. Ms. Fowlie said she has an existing patio, and the deck would be in the same location as the patio. Mr. Passamonte asked what the height of the deck would be. Ms. Fowlie said wherever it came up to meet her door. She said maybe three feet high. Mr. Passamonte explained that once you add a deck that is attached to the home, the deck becomes part of the home. Mr. Culbert asked if they were setting a precedent. Several Board members said yes.

Mr. John Spottiswood asked if Ms. Fowlie owned the patio. Ms. Fowlie said yes. Mr. Spottiswood asked if Ms. Fowlie had to receive permission from the association. Ms. Fowlie said yes, and she had already received approval. Mr. Spottiswood asked Ms. Fowlie if the deck was going to be the same exact size as her existing patio. Ms. Fowlie said it would be a couple of feet over the size of the patio on the side.

Ms. Bilapka said this is a 55-year-old housing development that was granted with certain dimensions on setbacks. Mr. Bilapka said Ms. Fowlie stated the deck is going to be bigger than the patio which was already figured into the setbacks on the property. Mr. Fowlie added that her existing patio could have been bigger, but she chose not to when she moved in.

Ms. Beauregard said they do not require permits for patios in their office, they do require a permit for decks. She added decks would be required to meet the building setbacks. Mr. Bilapka said patios are not taxable, but decks are because they become part of the structure.

Ms. Fowlie said there are other houses that have patios. Ms. Beauregard said they would not have stopped the patios from being in that setback as long as they weren't cutting in a no-cut area. Ms. Beauregard said if decks are in the 50' setback, they would not give them a building permit.

Ms. Beauregard said the last page in the packet shows the whole property and you can see which properties would be against that setback.

Mr. Doherty opened the discussion to the public. Mr. Doherty saw and heard no response. Mr. Doherty closed the discussion to the public and brought the discussion back to the Board.

Mr. Doherty reiterated that Mr. John Spottiswood would be voting in place of absentee member Mr. Roger Montbleau.

MOTION: (Masse-Quinn/Bilapka) To accept this plan for consideration.

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

Ms. Masse-Quinn confirmed with Ms. Fowlie that other units have decks. Ms. Beauregard said if these were put in by the contractor it would have been part of the permit, and they would have had to show that they were not within the 50' setback. Mr. Bergeron said eight units are tangent to the setback line for the building and the others are not. Mr. Passamonte said he would like to know how many units have decks and if they are encroaching on the setback.

Ms. Takesian said she would like to make a motion to deny the request.

Mr. Bergeron said he could not deny the request without more information. Mr. Passamonte and Mr. Bilapka agreed. Mr. Bergeron said the 50' buffer is because of the density to screen the property for both parties. Mr. Bergeron said he would like to see where the vegetation buffer starts and stops. Mr. Bergeron said without seeing the property, he

wouldn't be able to support a motion to deny it. Ms. Takesian said they are not denying the applicant use of the land, she has a patio there, and she cannot put a structure in the 50' buffer which is the way the zoning ordinance was written. Ms. Beauregard confirmed with the Board that Senior Housing is part of the Innovative Land Use Ordinance.

The Board continued to discuss the definition of a building. Mr. Passamonte suggested looking at the property. Mr. Bergeron said the original intent of the zoning ordinance which came under Innovative Land Use, you can waive sections unless they are accepted from waiver. Mr. Bergeron said in this case, the waivers are there. Mr. Bergeron said he would like to see the property also.

Mr. Doherty asked Ms. Fowlie how she accessed the existing patio. Ms. Fowlie explained issues with the stairs are what prompted her to want to build a deck. Ms. Fowlie said the stairs were not constructed properly. Ms. Fowlie said the stairs were too small. Mr. Bergeron asked Ms. Fowlie if she had a landing when she opened the door. Ms. Fowlie explained it is a slider door with an immediate step. She said there was not a landing. The Board discussed that there should be a landing before the stairs. Mr. Bergeron asked if this was a safety issue. Mr. Bergeron reiterated this is why they should see the property. Ms. Takesian stated the applicant could fix the stairs without building the deck. Ms. Fowlie said if she replaced the steps correctly, it would cut into about a third of her patio. Ms. Takesian asked Ms. Fowlie how long she had lived at the property. Ms. Fowlie answered four years.

Mr. Doherty stated there is not a second for the motion on the floor. He said if there is not a second, the motion is silent and goes away.

Mr. Bilapka asked if the Board would like to do a site walk. Mr. Bergeron asked if they could do an individual site walk. Mr. Bergeron stated they would need to receive permission from the applicant. Ms. Fowlie stated the Board members had permission to walk her property and the perimeter of the back, and she did not have to be there during the site walks. Mr. Bergeron asked Ms. Fowlie if a person were to do that, would they see this patio that she was talking about? Mr. Bergeron asked if this patio was the one intended to be occupied with an elevated deck. Ms. Fowler answered yes to both of these questions.

MOTION: (Bilapka/Passamonte) To date specify this case to the November 6th, 2023 meeting to allow an individual site walk.

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

ADMINISTRATIVE

Map 1 Lot 5-124 Beaver Brook Estates – Venus Way, Saturn Way - Request for Bond Reduction.

Mr. Doherty read a note of interest from the Planning Director, Ms. Jennifer Beauregard, that stated: *There is a house that is constructed very close to the private drive. It is built according to the plan. However, the developer has agreed to move the pavement over by 3' as per the recommendation of the Fire Chief to accommodate the homeowners and to create a safer situation. This will be done in the Spring at the time of final paving.*

Mr. Doherty asked if there would be enough money left to have this done. Ms. Beauregard said yes. She said they are looking to get back the bond money for the work that has been completed so far. She said after Mr. Jeff Quirk inspected; he suggested retaining \$139,525.50. Ms. Beauregard said she spoke to the owner of the project as well and he has agreed to move that pavement even though this project is constructed according to the plan.

Mr. Bergeron said he would like to make a motion to reject the bond reduction.

Mr. Doherty allowed discussion for the motion.

Mr. Bergeron said he spoke earlier to the Planning Director about making changes to bond reductions. Mr. Bergeron said recently when bond reductions come in, not all details are cleared up. Mr. Bergeron suggested that every time a bond reduction comes in, a notice should get sent to the abutters and the people who are within the subdivision that is newly created. Mr. Bergeron said recently, conditions have not been satisfied on approved site plans and it has to stop.

Mr. Doherty asked how they would get the abutters to be notified. Ms. Takesian asked how they would pay for the postage. Mr. Bergeron said the applicant would pay. Mr. Doherty said it wouldn't necessarily be the abutters, it would be the people within the development.

Ms. Beauregard said especially with the final bond release, all of the abutters and the developer should be asked to be here. Mr. Bergeron said it could read: *that a final bond reduction is coming due, if there are any issues in your development that you know of, the Pelham Planning Board asks you to be present at the meeting to voice your concern.* Mr. Bilapka asked will there be enough money in the event they needed to fix something in the final bond release. Ms. Beauregard said the bond usually goes down to a maintenance bond before the final bond. She suggested before the bond goes down to a maintenance bond which is only 10% of their original bond, should be when you would bring everyone in.

Mr. Bergeron said there has been a change in the law regarding bond requests. Mr. Bergeron said they cannot ask for bonds on road construction. Mr. Bergeron said he is concerned about this. Ms. Beauregard said you cannot ask for the bond until the time that they are ready for building permits, adding that at that point in time, the bond would be calculated for what work has already been done and what is remaining.

Mr. Doherty appointed Mr. Paddy Culbert to vote on both bond reduction cases.

MOTION: (Bergeron/Bilapka) To deny the bond reduction.

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

Ms. Beauregard confirmed the reason for the denial. Mr. Doherty stated that for safety reasons, the Fire Chief wanted the pavement moved over by 3' and the developer agreed to do it. Mr. Doherty said Mr. Bergeron wanted this done before the bond reduction was given and the Board agreed.

Map 14 Lot 3-90 Mayflower Lane Extension – Request for Bond Reduction.

Ms. Beauregard said this project is complete. She said in June 2019, North Central Development provided a restoration bond and eventually they combined it with a full bond. She said they currently have \$61,069.35. Ms. Beauregard said Mr. Jeff Quirk is recommending a reduction of \$43,848.06, and to hold a maintenance bond of \$17,221.29 to support the completion of the project. Ms. Beauregard said Mr. Quirk stated this amount reflects work that has been completed to date based on the bond sheet. Ms. Beauregard said the remaining items are for maintenance. Ms. Beauregard said the remaining maintenance is listed. Ms. Beauregard said she anticipated the work would not be completed until Spring because the street trees still need to be put in.

MOTION: (Masse-Quinn/Culbert) To reduce the bond as requested to \$17,221.29.

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

BOARD MEMBERS/PLANNING DIRECTOR UPDATES

Ms. Masse-Quinn said she received authorization from the Board of Selectmen to update the well ordinance. Ms. Masse-Quinn asked the Board if they would like to develop a subcommittee to work on this. Ms. Takesian asked Ms. Beauregard if NRPC (Nashua Regional Planning Commission) should review the ordinances before they propose another well ordinance. Ms. Beauregard said she does not have the funds yet; they are in her budget for March. Ms. Beauregard said if it passes, then they would have NRPC review the ordinances.

Mr. Bergeron asked if Ms. Masse-Quinn would consider a Chair position on this. Ms. Masse-Quinn said she would like to nominate Mr. Thomas for Chairman of the subcommittee.

Mr. Doherty said Mr. Culbert would continue to vote.

MOTION: (Bergeron/Masse-Quinn) To nominate Mr. Samuel Thomas as the Chairman of the Well Ordinance Subcommittee.

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

MOTION: (Masse-Quinn/Bilapka) To allow other Boards and Commissions to be on the Well Ordinance Subcommittee.

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

Ms. Masse-Quinn said she and other members have been working on the Senior Housing Ordinance. Ms. Masse-Quinn asked if they could continue to work on this and then bring it back to the Board to receive comments and feedback from everyone. Mr. Doherty asked if Ms. Masse-Quinn could email share her findings so far. Mr. Doherty said this would be in the Innovative Land Use ordinance.

Mr. Thomas stated that he had four updates.

Mr. Thomas said they presented the CIP (Capital Improvement Plan) to the Budget Committee. Mr. Thomas said they requested to receive feedback on high-priority projects. Mr. Thomas said their work was completed. Mr. Thomas said the only open thing is that they will be sending out to each Department what is included in the CIP for their Department. Mr. Thomas said they would try to start the CIP process a little earlier next year.

Mr. Thomas said next, he would like to provide an update on the Water Commission. Mr. Thomas said they have been awarded a grant from DES (Department of Environmental Services) of \$50,000. He said they are still waiting for the \$100,00 MTBE grant that can now be applied. He said once that starts, that can be used to identify where they have water, what is the capacity of that well, and also where they have residential water problems. He said from that, build a structure where they can build a pipeline to allow the use of water through their reservoirs. Mr. Thomas said they cannot source water from Dracut. He said although Dracut voted for it, the State legislature has not approved the use of that at this time. Mr. Thomas said the efforts of the Water Commission in determining where their water is, the capacity, the quality and quantity, and where they have to deliver it, is in study at this time. Mr.

Bergeron asked what the likelihood of the \$100,000 grant is. Mr. Thomas said 100%. Mr. Doherty asked if there has been any discussion on what amount of water the two wells produce at the juncture of Sherburne and Mammoth Road. Mr. Thomas said he thinks it is 183 gallons per minute. Ms. Beauregard said she believed it was more than that; potentially 600 gallons per minute.

Mr. Thomas said the third item is the Master Plan. He said the committee will be meeting with Resilience this Thursday, October 26th with the intent to review the draft. Mr. Thomas said December 6th will be their final meeting with Resilience at which point they will accept the report based on discussions they will be having this week. He said a presentation will be planned in January 2024 by Resilience. Ms. Beauregard said she will be posting the draft link of the Master Plan on Pelham Web.

Mr. Thomas said his last item was Wreaths Across America. He said the ceremony will be on December 16th, 2023 at Gibson Cemetery at noontime. He said they have 92 volunteers and 384 sponsorships so far, adding they have 550 Veterans. Mr. Thomas said he appreciated the support of those who donated.

Mr. Bergeron asked if they adopted accepting only registered certified plot plans for all matters as part of a checklist item to have when they come before the Board. Mr. Doherty noted that many things come before the Board such as woodcutters, landscapers, small businesses at home, and major and minor home occupancies. Mr. Doherty questioned if they wanted to see a certified plot plan for all of these plans. Mr. Bergeron said if there is a recorded plot of land in Pelham, there is a certified plot plan that goes with it. Mr. Bergeron said it would be the Planning Department's judgment to decide if the applicant would need a certified plot plan. Ms. Takesian said she thought it was a good idea to start documenting where all the buildings are according to boundary lines. Ms. Beauregard asked if it was necessary to record the plan or just submit a certified plot plan for their property file and the record. Mr. Bergeron said it would be good enough if it was certified. Mr. Hal Lynde asked if the Board would receive a copy of the certified plot plan. Ms. Beauregard said yes. Mr. Bergeron asked Ms. Beauregard if this would help the Planning Department. Ms. Beauregard agreed that it would.

Mr. Culbert excused himself. Mr. Doherty stated that Mr. Thomas would vote for any votes moving forward.

MOTION: (Bergeron/Passamonte) To require a certified plot plan for all matters that involve a plan and that come before the Planning Board at the Planning Department's discretion.

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

Mr. Bergeron asked what had come of the discussion of notifying abutters before a bond is released. Mr. Bergeron asked Ms. Beauregard if she would like to clarify the bond release to the final bond release and be notified to abutters and anyone within the new subdivision that could be affected by the bond release. Ms. Beauregard confirmed all legal abutters to the subdivision including the subdivision be notified. Mr. Doherty asked if they would need to acquire advice from the New Hampshire Municipal Association (NHMA). Mr. Bergeron stated that he would be comfortable with the Planning Department asking NHMA. Mr. Bergeron said this could be acted on at the next meeting after the Planning Director consults with NHMA.

Mr. Bergeron said he would like to ask the members about some bylaw changes relative to the position of Chairman. Mr. Bergeron said under 3.1 Chairman, he said he would like to add to the language involving voluntary lot mergers. He said he would request to add the Secretary as the second signee to the Chairman to sign voluntary lot merger forms. Mr. Doherty said you would want to put the same language under 3.3 Secretary. Mr. Doherty suggested adding: *and act as the Co-Planning Board designee to sign voluntary lot merger forms subject to all authorized*

signatures being obtained prior to the Planning Board's signature.

Mr. Bergeron suggested adding additional language under Article 3.1 Chairman. He suggested adding: *The Chairman shall not make motions, but the Chairman may entertain a motion.* Mr. Bergeron asked the Board if they would like to adopt this into their bylaws. Mr. Doherty said the Chair would not make a motion if they were following Roberts Rules. Ms. Takesian asked if the meetings are run by Roberts Rules of Orders. Mr. Bergeron said his other suggestion would be to use Roberts Rules when a conflict or question of procedure arises from the interpretation of the bylaws. Ms. Takesian asked if they adopt Roberts Rules of Procedures do they need to put the language in stating that a Chair cannot make a motion? Mr. Doherty said no you don't. Mr. Doherty also said if you put the language discussed about the Chair not making a motion, then you wouldn't need to adopt Roberts Rules. The Board continued to discuss the bylaw suggestions.

Ms. Beauregard confirmed the additional language to be added under Chairman 3.1. She confirmed: *'In Accordance with Roberts Rules, The Chairman shall not make motions but may recommend or entertain motions from the members.'*

Ms. Masse-Quinn asked for a grammar correction to Article 1.1. She asked to add *'Bylaws'* to the end of the sentence.

Ms. Takesian asked if they could adopt a rule or procedure that when a renter comes before the Board, the property owner must come before the Board as well. Ms. Beauregard said she would like to review the site plan regulations to see where the language would fit best. Ms. Beauregard said often the owner has to give permission for the applicant to come before the Board and speak on their behalf. Mr. Passamonte said the issue comes up when there are multiple units. The Board discussed language options for this.

NON-PUBLIC SESSION

MOTION: (Bergeron/Masse-Quinn) To request a non-public session per RSA 91-A:3, II (c)
Consideration of Legal Advice

ROLL CALL VOTE: Mr. Thomas - Yes
Mr. Passamonte- Yes
Ms. Masse-Quinn - Yes
Mr. Jim Bergeron – Yes
Ms. Takesian - Yes
Mr. Bilapka - Yes
Mr. Doherty – Yes

Mr. Bergeron also asked the Board for Planning Director Ms. Beauregard to be included in the non-public session.

Mr. Doherty noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to seal the minutes of the non-public session and to adjourn the meeting. The Board entered a non-public session at approximately 9:41 PM.

MOTION: (Takesian/Bilapka) To seal the minutes of the non-public session indefinitely.
VOTE: (7-0-0) The motion carried.

ADJOURNMENT

MOTION: (Bilapka/Passamonte) To adjourn the meeting at approximately 10:40 PM.

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

Respectfully submitted,
Heidi Zagorski, Recording Secretary