

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
November 20th, 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
Roger Montbleau - present
Bruce Bilapka – present
Selectmen’s Representative Charlene Takesian – present
Selectmen’s Alternate Representative Jaie Bergeron - present
Alternate Hal Lynde – present
Alternate Samuel Thomas – present
Alternate Scott Sawtelle – present
Alternate John Spottiswood – present
Planning Director/Zoning Administrator Jennifer Beauregard – present
Recording Secretary Heidi Zagorski – present

NOT PARTICIPATING: Joe Passamonte

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Mr. Doherty stated that Mr. Paddy Culbert would vote on the November 6th, 2023 meeting minutes instead of absentee member Mr. Joe Passamonte.

MOTION: (Montbleau/Bilapka) To approve the November 6th, 2023 meeting minutes.

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

NEW BUSINESS

Mr. Doherty stated that Mr. Samuel Thomas would vote on Case #PL2023-00033 instead of absentee member Mr. Joe Passamonte.

CASE #PL2023-00033

Map 6 Lot 4-173

SURPRENANT, John – 62 Valley Hill Road - Seeking approval of a Conditional Use Permit for a 2-bedroom detached ADU in an existing outbuilding. The existing building is currently 667 sq. ft., the proposal also includes adding 333 sq. ft. to the 2nd floor.

Ms. Masse-Quinn read the list of abutters.

Mr. John Suprenant introduced himself from 62 Valley Hill Road. Mr. William Suprenant introduced himself from 62 Valley Hill Road. Mr. John Suprenant said they have an existing garage that they would like to turn into an apartment. Mr. Doherty said it is currently 667 sq. ft. and the applicant would like to add 333 sq. ft. to the second floor. Mr. Paddy Culbert asked if the garage was a cinder block garage. Mr. John Suprenant said on the foundation it is. Mr. Samuel Thomas asked if they had sufficient water supply for the new structure to meet the current requirements. Mr. John Suprenant said they use the existing well and have not had any problems in thirty years. Mr. Thomas asked, adding this would not create a problem in terms of water. Mr. John Suprenant said they have not had any issues with the well and do not anticipate that they will. Mr. Doherty asked if it was an 8” or 12” block. Mr. John Suprenant said he was not sure. Mr. Bilapka said he believed if it is not a 12” block, he did not think they could put a second floor on it. Mr. Bilapka said the Building Inspector Mr. Roland Soucy would have to take a look at this first. Ms. Beauregard said Mr. Soucy still had to review the building plans as well.

Mr. Doherty opened the discussion to the public for abutter input. Hearing no response, Mr. Doherty closed it to the public.

Mr. Bilapka said he thought they needed some more information from the Building Inspector on the foundation. Mr. Doherty said if the plan is approved by the Board, the Building Inspector would also have to approve this.

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

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

Ms. Charlene Takesian said the application is for a two-bedroom ADU however on the plan she only sees one-bedroom. Mr. John Suprenant said it would be only one bedroom. Mr. Doherty confirmed with the applicant that the second floor would be a bedroom, bathroom, and laundry.

Ms. Masse-Quinn asked how many acres the applicant had. Mr. John Suprenant replied that he had approximately five acres.

MOTION: (Masse-Quinn/Bilapka) To approve the Conditional Use Permit for a detached ADU in an existing outbuilding.

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

CASE #PL2023-00034

Map 41 Lot 10-246

KASSIS, Charbel / Vape Vibes (applicant), MZL REALTY TRUST, LLC (Owner) – 10 Bridge Street - Seeking minor Site Plan Review to add a retail store (Vape Vibes) on the second floor of an existing building.

Ms. Masse-Quinn read the list of abutters.

Mr. Doherty stated that Mr. Scott Sawtelle would vote on Case #PL2023-00034 instead of absentee member Mr. Joe Passamonte.

Mr. Brady Clune introduced himself from 10 Bridge Street representing Vape Vibes. Mr. Clune explained they are a

modern-style Vape Shop where they sell electronic cigarettes, accessories, glassware, and premium cigars.

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

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

Mr. Culbert asked about the parking situation at 10 Bridge Street. Mr. Doherty explained that the applicant may not be aware that this particular site has received many waivers due to the setbacks and that the building has very inadequate parking. Mr. Cloon said they did not require much parking. Mr. Cloon explained that they would probably have 4-5 customers in the building max at a time. He said the average transaction time from when a customer enters, and exits is approximately two to five minutes. Mr. Culbert said there is not enough parking for the businesses that are there now. Mr. Doherty stated that the inadequate parking is the reason why there are no businesses allowed on the second floor.

Ms. Masse-Quinn said this property has had a total of one variance, three special permits, and seven waivers; one of which was in reference to parking. She said then two more waivers were added in 2008, and in 2014, they received one more waiver in reference to the three parking spots to install the 1,000-gallon fill station. Ms. Masse-Quinn said they lost some parking spots and believed the lot was maxed out with no room for additional business.

Mr. Jaie Bergeron asked where the entrance would be to the second-floor business. Mr. Cloon explained that there is a main entrance with a staircase. Mr. Jaie Bergeron asked if there was a second exit on the second floor.

Ms. Dina Zisis introduced herself as the owner of 10 Bridge Street. Ms. Zisis said there is a second-floor exit as a fire exit. Ms. Zisis said there was a pre-existing business on the second floor called Star Photography in the space Mr. Cloon is applying for. Ms. Zisis asked why this business would not be allowed if there was already a business there. Ms. Zisis said the applicant is here because they are selling products and require a change of use. Mr. Culbert said he believed they overlooked the parking when the photography business was put in. Ms. Masse-Quinn asked if there was a section on the second floor that is storage. Ms. Zisis said yes, most of the second floor is storage. Ms. Beauregard confirmed the applicant was here for a change of use because the photography studio was there. Ms. Beauregard said at some point Code Enforcement went out and required an occupancy permit for the photography studio, however, does not know if they ever came before this Board.

Mr. Bilapka said his understanding was when this was built, the second story was storage only because of the parking capacity. Mr. Bilapka asked if the photography studio didn't come before the Board, and how the parking capacity would change to be able to accommodate a business on the second floor.

Mr. Doherty said he remembered a night-time business that was a workout center on the second floor. Ms. Zisis said this gym was on the main floor.

Mr. Doherty opened the discussion to the public for abutter input. Hearing no response, Mr. Doherty closed the discussion to the public.

Mr. Doherty said there is not going to be enough parking for a retail business to be added to the second floor. Mr. Bilapka said the second floor was supposed to be for storage only because of the parking and yet a business somehow was able to operate on the second floor without coming before the Board for a change of use. Mr. Bilapka added there is no business there now and without adequate parking, how could they allow a business to open on the second floor?

Mr. John Zisis introduced himself from 10 Bridge Street. Mr. Zisis said they never had the opportunity to rent out the second floor to tenants, adding that it was never intended to be storage. Mr. Zisis said that his father agreed to the second floor being used for storage when the Hookah Bar opened. He said they agreed that they could use the second floor as storage. Mr. Zisis said Star Photography was in that unit and had a longer turnover rate with customers. He said each photography session could run from a half hour to an hour long. Mr. Zisis said there was also a chiropractor on the second floor previously.

Mr. Zisis said the Hookah Bar is inoperable and had to disagree that there is not enough parking. Mr. Zisis said the owner of the Hookah bar violated many parking codes and is not operating at this time. Mr. Zisis said the capacity to rent is very low, so the parking is not an issue now.

Mr. Culbert asked what would happen when the bar reopens. Mr. Zisis said he does not believe it would; if they did, they would have to seek approval. Mr. Zisis said variances had to be applied because it is a very complicated building. Mr. Zisis said they had been approved for everything they had previously done. Mr. Zisis said the parking lot was not at capacity.

Mr. John Spottiswood asked if there was another space that was vacant. Ms. Zisis said the two end units are part of the Hookah Bar that is not operating at this time.

Mr. Jim Bergeron asked Ms. Beauregard where the notes were in reference to the original conditions, specifically the second-floor occupancy. Ms. Beauregard said note #16 on the site plan talks about the warehouse parking. Ms. Beauregard then referenced note #8 on the plan under proposed use. Mr. Jim Bergeron said you have to understand that in the site plan on file, the agreement was the second floor is for warehouse storage use. Mr. Jim Bergeron said this is a site plan condition. Mr. Jim Bergeron asked if this building was fully sprinkled. Mr. Zisis said he did not think so. Mr. Zisis questioned how other businesses were allowed on the second floor. Mr. Jim Bergeron said the Board does not have anything to do with that if it didn't come before them. Mr. Doherty said if the second floor was being used for business, they would be in violation of the site plan conditions.

Ms. Zisis stated that they would like to withdraw without prejudice.

CASE #PL2023-00035

Map 28 Lot 2-10

GARCIA, Donald R. Jr. & Arlanna – 6 Burns Road - Seeking a Waiver to Article XII, Section 307-74N of the Zoning Ordinance, to allow a 2-bedroom attached Accessory Dwelling Unit to be built on a property with 165.13' of frontage where 200' of frontage is required.

Mr. Doherty stated that Mr. John Spottiswood would vote on Case #PL2023-00035 instead of absentee member Mr. Joe Passamonte.

Ms. Masse-Quinn read the list of abutters.

Mr. Don Garcia and Ms. Arlanna Garcia introduced themselves from 15 Spaulding Hill Road. Mr. Garcia said they are here looking to raise the house on 6 Burns Road and construct a new single-family with an ADU. He said they are here for a waiver on the frontage because they have 165' and they need 200'. Mr. Doherty confirmed with the applicant that they would like to take the existing home down and build a new home in its entirety with an ADU.

Mr. Doherty confirmed with Ms. Beauregard that the applicant is here because they lack 200' frontage and they do meet all the other criteria.

Mr. Roger Montbleau said he believed the conversion the applicants did on Spaulding Hill Road was an upgrade to the neighborhood. Mr. Montbleau said that this property would make the neighborhood look better and said they would be moving the home back further from the road.

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

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

Ms. Beauregard said they would tear the existing home down and sell it with a legal in-law. Ms. Beauregard said the owner would need to occupy one unit of the home.

Mr. Jim Bergeron confirmed with the applicant that the design is for five bedrooms. Ms. Garcia said there is one bedroom in the ADU.

Mr. Doherty opened the discussion to the public for abutter input. Hearing no response, Mr. Doherty closed the discussion to the public.

Ms. Takesian asked if it mattered which side the owner occupied. Ms. Beauregard responded no; they could occupy either unit. Ms. Takesian asked if they required a variance. Ms. Beauregard said no; she said in this case it is under the conditional use permit. Ms. Beauregard said this Board can make some waivers. She said in terms of the variance they are not making the lot any more non-conforming by what they are putting there. She added they do not need a variance, but they do need a waiver from this Board because it is a requirement that it be on a conforming lot.

MOTION: (Masse-Quinn/Takesian) To approve the waiver to Article XII, Section 307-74N of the Zoning Ordinance, to allow an attached ADU to be built on a property with 165.13' of frontage where 200' of frontage is required.

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

CASE #PL2023-00036

Map 32 Lots 1-139, 1-140, 1-142

ROGER MONTBLEAU 2021 REVOCABLE TRUST – Spaulding Hill Road - Seeking approval of a Lot Consolidation and Subdivision Plan for a 24-lot, single-family Conservation Subdivision (Montcalm Estates). The subdivision will have individual septic systems and a community water supply system.

Mr. Roger Montbleau recused himself.

Mr. Doherty stated that Mr. Paddy Culbert would vote instead of Mr. Roger Montbleau and Mr. John Spottiswood would vote instead of absentee member Mr. Joe Passamonte for Case #PL2023-00036.

Ms. Masse-Quinn read the list of abutters.

Mr. Shayne Gendron of Edward N. Herbert Associates introduced himself representing Mr. Roger Montbleau. Mr. Gendron said they have three existing lots, lot 1-139, 1-140, and 1-142. Mr. Gendron said the proposal is to put these three parcels together, which would be 43.42 acres of land, and subdivide them into 23 single-family house lots. Mr. Gendron said they were before the Board in February of 2023 to discuss two concepts: a yield plan and an open space

plan. Mr. Gendron explained they discussed the pros and cons of the two concepts and the Board sent them away with the direction that they would like them to pursue the open space or conservation layout for the subdivision. Mr. Gendron said this is the plan set that the Board has in front of them.

Mr. Gendron said originally their plan had yielded 25 single-family lots and as they worked through the design and engineering of this project, they found that 23 lots work better because of drainage and different easements that needed to be given. Mr. Gendron said they are giving an easement out to Spaulding Hill Road so there is a proper 50' right of way on Spaulding Hill Road. Mr. Gendron said they all have their test pits, and they will be using a community water system. He explained there are two existing wells on this property. He said this proposal is to have a community water system that would feed off of those two wells. He said production on the wells was about 8-12 gallons per minute. Mr. Gendron said they have spoken with Mr. Bruce Lewis of Lewis Engineering, and he will most likely be the person who gets the final approvals for the water permits. Mr. Gendron said Mr. Lewis has told them that these two wells will generate enough water to be able to design a system that will feed these homes.

Mr. Gendron said the plan shows the subdivision lots and the drainage. Mr. Gendron said there are four bio-retention areas that they are using, and all of their basins are tied to these. Mr. Gendron said there is also an infiltration basin that is to the north corner that is taking runoff and infiltrating that water.

Mr. Gendron said they would like to get the plan to Mr. Steve Keech for an engineering review, before the Conservation Commission, and hoped to date specify sometime in January 2024.

Mr. Spottiswood said there are roughly 40 acres, but they are only doing 23 smaller lots because some of the land is conservation or being set aside. Mr. Spottiswood asked what if out of the 40 acres, there are only actually 18 buildable acres. How would you determine this? Mr. Gendron said they put together a yield plan that needs to be reviewed by the town engineer. He said when they did this plan, they were contemplating 25 conservation lots, and have dropped it down to 23 lots. He said they originally were at 48% open space and are now at 51% open space because they lost a couple of lots in the design.

Ms. Takesian asked what would happen to the open space. Mr. Gendron said it would either go into a homeowner's association or when they go before the Conservation Commission, they may be interested in taking over the open space. Mr. Doherty said there is a potential that the open space could connect to town land to provide connectivity.

Ms. Takesian said behind the lots on Slavin Drive, lot 1-136, there is a corridor there and asked what this was. Mr. Doherty said it was a type of easement to get to lot 1-138. Mr. Gendron said it is a right-of-way easement, adding that lot 1-138 is a vacant lot with no house on it. Ms. Takesian asked about a dotted line on the plan near lot 1-142. Mr. Doherty asked if the 50' right of way is being used as part of this parcel. Mr. Gendron said it is being used as part of the roadway layout. Mr. Gendron showed the right-of-way easement on the plan and showed how their roadway lays over this easement when you come into the property. Mr. Gendron confirmed the easement is on the applicant's parcel. Mr. Doherty asked if this development were to go through, it shows the open space as lot 1-142 and it shows it stopping at the edge of the northerly side of that right of way as opposed to the southerly side. Mr. Doherty said that then puts that right of way in limbo going to that back lot. Mr. Gendron explained on page 7 you will see that the line remains dashed adding it is still part of that parcel and it remains a right of way to the back lot. Mr. Gendron said he believed the right of way would be part of the open space.

Ms. Masse-Quinn said they do have a moratorium in this area. Ms. Masse-Quinn asked Mr. Gendron if he would be able to provide adequate water for this property. Mr. Gendron said the two wells were put in around 2010 always with the idea of developing this property with a water system. He said they are planning on using the two wells as the water system. Ms. Masse-Quinn asked Ms. Beauregard how the applicant would provide knowledge of adequate water. Ms. Beauregard said the Board could request testing.

Mr. Jim Bergeron said there must be some engineering done for the storage of water, adding that the yield amount will need to be stored. Mr. Gendron said yes, he said the plans show a pump house. Mr. Jim Bergeron said this would all be part of the plan that has yet to come in. Mr. Gendron confirmed Mr. Bruce Lewis would be doing the engineering. Mr. Jim Bergeron said this may be the first open-space concept since the adoption of this ordinance. Mr. Doherty said this is the second one; the Board denied the first one. Mr. Jim Bergeron confirmed with Mr. Gendron that he is taking 3 lots and combining them into one lot creating 43.42 acres total. Mr. Jim Bergeron said you are only utilizing 22 acres of the property, adding that more than half of this land would not be touched.

Mr. Jaie Bergeron asked what type of water testing they would do. Mr. Gendron said it would be governed by the State of New Hampshire. Mr. Gendron said they would filter out for contaminants. Mr. Gendron said in the pump house there would be a multitude of filters. Mr. Gendron said if this Board takes jurisdiction of the plan, they will move forward with the testing and the permitting of the water system. Mr. Jaie Bergeron stated he believed the moratorium would expire in March of 2024. Mr. Jaie Bergeron asked if they would be required to monitor the meters of abutters wells. Mr. Gendron said yes, they would be required by the State of New Hampshire to monitor all abutters meters.

Mr. Thomas asked for clarification on where the two wells are and where the community well will be located. Mr. Gendron said on page 14 of the plans, you can see the two wells to the back of the property and the pump house sits between the two wells. Mr. Thomas said when the two wells are combined, 8-12 gallons per minute is the yield. Mr. Gendron said without the reports in front of him, he believed one well was 8 gallons per minute and the other well was 12 gallons per minute. Mr. Thomas said you would have an estimate of 20 gallons per minute combined. Mr. Gendron explained it is not enough to feed all the homes on the plan, so it has to be designed with a tank to do this. Mr. Thomas said the two wells would be combined into a holding tank. Mr. Thomas asked if it would be held above or below ground. Mr. Gendron said that typically the tanks are below ground. Mr. Thomas said then you would have the pipeline infrastructure that would go to each home. Mr. Gendron said yes.

Mr. Doherty opened the discussion to the public for abutter input.

Ms. Masse-Quinn read an abutter letter from Mr. John Cormier into the record as follows: “In regard to the subdivision planned off of Spaulding Hill Road, which is on the upcoming Planning Board meeting agenda. We are currently in Florida and understand as an abutter, we have received a notice on this project. We would like to state for the record that we have no objections to this subdivision project. Please feel free to reach out to me if you have any questions. Thank you, John Cormier of 41 Spaulding Hill Road.”

Mr. Steve Long introduced himself from 16 Slavin Drive. Mr. Long said the Board is aware of the water shortage issues in this area. Mr. Long said on the corner of Maria and Nicholas there is another well being drilled because their original well ran dry. Mr. Long said this has been an issue for more than a dozen years. Mr. Long said fifteen years ago when he raised this issue with the town, he asked what would happen if they ran out of water. He said you would have to get a contract with a company like Pennichuck. He said in the past two to three years, there have been more than 200 homes built off of Sherburne Ave. Mr. Long said it is irresponsible to allow development to continue. Mr. Long insinuated that the two wells drilled in 2010 were abandoned because they could not get enough water to do what they wanted to do. Mr. Long asked how the rest of the residents were going to make sure they had enough water without holding tanks. He said they shouldn't have to bear the expense of bringing water in from an outside source. Mr. Long said he could see the two wells from his property and was concerned about what would happen to his water.

Mr. Gendron replied that he does not believe the project was ever put on hold due to lack of water.

Ms. Robyn Lessard introduced herself from 8 Slavin Drive. Ms. Lessard said she is concerned that it could even be a concept to allow a subdivision to be put in. Ms. Lessard said when the construction of new homes on Skyview Drive went in, many neighbors ended up having water issues. Ms. Lessard said she is also concerned about the traffic impact of more homes being added to this area.

Ms. Stephanie Laurin introduced herself from 10 Slavin Drive and said she currently has to go to a laundry mat to do laundry due to a lack of water. Ms. Laurin asked what the wells from 2010 were producing compared to today. Ms. Laurin asked what would be done to help the Slavin Drive area. Ms. Lauren said she was told by Skillings that the wells were not producing in 2010 and that is why the project was canceled.

Mr. Gendron said he provided the data from the well testing in 2010. Mr. Gendron said they discussed having the wells retested. Mr. Gendron said without the State's approval, they would not be able to develop. Mr. Doherty said if Mr. Gendron had old data on the wells, he couldn't use this data anyway, adding he would have to provide current data on the wells.

Ms. Laurin questioned the conversation about the abutters' wells being included in the testing and when in the timeline of the project being developed would this be done. Mr. Gendron said the State of New Hampshire tells you what wells would be tested. Mr. Gendron explained that the NHDES lays out a plan for water engineering and tells them how to test and what wells are included in the sampling and testing. Mr. Gendron added that if someone has a concern, they believed they could contact the State and be asked to be placed on the list of wells to be tested. Ms. Laurin asked the Board if they should have this testing before the approval of the subdivision. Mr. Gendron said this Board does not approve of the water system. He said the Board can approve a subdivision pending the approval of getting water approval from the State of New Hampshire.

Mr. Jim Bergeron asked Mr. Gendron what the total number of bedrooms is for each home. Mr. Gendron said it would be four bedrooms, however, it could be fewer depending on the water supply. Mr. Jim Bergeron said there is a moratorium in place that states they have to be able to draw adequate water from the ground. Mr. Jim Bergeron said during this process NHDES will monitor wells in the area that could be affected by the water drawdown.

Mr. Thomas said he would like to share a perspective because he is on the Water Commission, and they hired Weston & Sampson, which is an engineering company, to look at the conditions at a very high level. Mr. Thomas said they received two grants; one for \$50,000 and one for \$100,00 from the New Hampshire Department of Education (NHDES). Mr. Thomas said they would assess where the aquifers are, the capacity and quality of the water, and where we need water. Mr. Thomas said there is also a water source coming from Londonderry into Pelham that is being considered. Mr. Thomas said the Water Commission is addressing with Weston & Sampson what water the town has, and also the solution to the distribution system for the water they have. Mr. Thomas said this study will take them to June-August of 2025 before they have the results of the test. He said they have identified the areas that need water, and the Sherburne Road area was identified as the most critical area in Pelham for sourcing water.

Ms. Lessard asked about the flow and accessibility of the traffic on Sherburne Road. Ms. Beauregard said there is a plan for a dual roundabout to be put in at the intersection of Sherburne Road and Mammoth Road and Mammoth Road and Marsh Road. Ms. Beauregard said a roundabout will keep the traffic moving continuously.

Mr. Jaie Bergeron suggested that the abutter could send an email to the Planning Department to request being put on the well testing list.

Mr. Vince Maconi of 6 Slavin Drive introduced himself. Mr. Maconi asked if the minimum flow rate takes into account the minimum requirement to support so many people or does it take into account how people actually use water. Mr. Maconi asked if the way the standards are developed takes into consideration how much water flow is

required for the actual usage, which would include pools and sprinkler systems. Mr. Gendron said in his experience they base this on the number of bedrooms. He said it is 150 gallons per bedroom. Mr. Gendron said the State of New Hampshire is very conservative in all their numbers.

Hearing no further response from the public, Mr. Doherty closed the discussion to the public for abutter input.

Mr. Gendron said they would like the Board to take jurisdiction on the plan. He said they would like to get the plan to engineer, Mr. Steve Keach, and start working through this review process. Mr. Gendron said he would like to present the plan to the Conservation Commission and said he suspects they may want to walk the site. Mr. Gendron said he would like to date specify to the second week in January.

Mr. Doherty asked Ms. Beauregard about the language of the open space ordinance. Mr. Doherty asked if the yield plan had to go before PEER Review Engineering and the Conservation Commission before the Board could take jurisdiction. Ms. Beauregard said the Planning Board would have to take jurisdiction first and accept the plan for consideration. Ms. Beauregard said Mr. Keach would have to review the yield plan and then this Board would have to review the yield of that plan to determine the density of the subdivision plan.

Mr. Beauregard explained that all open space subdivisions require a special permit now. She said every special permit requires comment and review from the Conservation Commission. Mr. Doherty asked when the clock started. Ms. Beauregard said the clock would start as soon as the Planning Board accepted the plan for consideration.

Ms. Masse-Quinn said that the moratorium states that the applicant must be able to provide an adequate water supply first. Mr. Gendron asked what test the Planning Board would like them to run. Mr. Jim Bergeron said NHDES would tell them what they needed. Mr. Gendron said he is not going for a full DES permit he received some consideration from this Board. Mr. Gendron said he would typically ask the Planning Board for conditional approval based on receiving this permit. Mr. Jim Bergeron said the Planning Board cannot deny this plan if they receive water approval. Mr. Gendron said he could not build this subdivision if he could not prove the water supply.

Ms. Masse-Quinn said the moratorium was adopted on March 7th, 2023. Ms. Masse-Quinn said there is an exempt application section of the moratorium. Ms. Masse-Quinn read Section VII states: “The provisions of this interim ordinance shall apply to all properties within the Sherburne Road area unless the property owner can demonstrate that the owner’s property has either access to a fully suitable public water supply source or that the owner can demonstrate that an existing lot or each proposed individual lot has sufficient water capacity and water quality to meet the proposed lot’s land use water supply needs and requirements.”

Ms. Beauregard said she agreed with Ms. Masse-Quinn however, the Sherburne Road Area Temporary Growth Management Ordinance does say it is a limitation on building permits and the approval of subdivisions and site plans. Ms. Beauregard said the Planning Board should take jurisdiction of the plan first, adding that any approval of a subdivision would be contingent on what Ms. Masse-Quinn read. Mr. Culbert agreed with Ms. Beauregard.

Mr. Jim Peterson introduced himself as the potential developer of the subdivision. Mr. Jim Bergeron said the Board is considering accepting this conditional approval provided that the water source is proven. Mr. Jim Peterson explained the process of the water testing procedure. Mr. Peterson said it is a 72-hour test period and a very expensive testing process. Mr. Peterson said that spending this money before they receive jurisdiction from the Board is not feasible. Mr. Peterson said they tested the water about a year and a half ago. Mr. Peterson said they only need 6 gallons, and the State will make them test for 12 gallons to ensure there are no issues. Mr. Peterson said anyone within 1000’ of the well will have their well monitored as well. Mr. Peterson said he never got the well-testing State of approvals before the town had approved the plans.

Mr. Doherty asked Ms. Masse-Quinn to read the section of the moratorium again: “The provisions of this interim ordinance shall apply to all properties within the Sherburne Road area unless the property owner can demonstrate that the owner’s property has either access to a fully suitable public water supply source or that the owner can demonstrate that an existing lot or each proposed individual lot has sufficient water capacity and water quality to meet the proposed lot’s land use water supply needs and requirements.”

Mr. Doherty said he had concerns about language in the moratorium. Mr. Doherty said the applicant does not have a public water supply and is not proposing individual wells on the lots. Mr. Doherty said he is concerned about the way the moratorium is worded and he is not sure this fits. Mr. Jim Bergeron said when you say public water supply, that definition is broad enough to be a community well supply. Mr. Jim Bergeron said the public is anyone in that community. Mr. Doherty asked for a consensus to make sure the Board members agreed. Ms. Masse-Quinn said they did comment on community wells and that Mr. Jim Bergeron was correct. Mr. Spottiswood and Mr. Bilapka said they agreed. Mr. Thomas said he was not really in agreement. Mr. Thomas said a public water system is something like what you have with Pennichuck. Mr. Jim Bergeron said Pennichuck adopts many water systems in town that aren’t part of the total network that they have. Mr. Jim Bergeron said, for instance, on Vassar Drive and Wellesley Drive there is a system that Pennichuck owns and operates, and it is not connected to any of the other branches that are in the Pennichuck distribution system. Mr. Jim Bergeron asked Mr. Peterson if he planned to turn the water over to Pennichuck when he was done. Mr. Peterson said no. He said he turned his other projects over to Hampstead Water Company. Ms. Beauregard said this did go through legal and the word public would include community wells because it would be serving the public.

Mr. Doherty said they meet the definition of the moratorium standards. He said the Board can take jurisdiction of this plan.

Mr. Jim Bergeron asked Mr. Gendron if there were any waivers needed for this plan that the Planning Board should consider. Mr. Gendron said right now they do not have any waivers that they have contemplated, but he would like to get the plans before Mr. Keach, and he may have some waivers that could be introduced.

MOTION: (Culbert/Jim Bergeron) To accept the plan for consideration.

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

Mr. Gendron confirmed with the Board to date specify the plan to the January 15th, 2023 Planning Board meeting.

BOARD MEMBERS/PLANNING DIRECTOR UPDATES

Mr. Doherty asked Ms. Masse-Quinn if there was an update on the Senior Housing Ordinance. Ms. Masse-Quinn said this is still being worked on. Mr. Doherty asked the Board members to provide their input and feedback via email.

ADJOURNMENT

MOTION: (Montbleau/Masse-Quinn) To adjourn the meeting at approximately 9:38 PM.

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

Respectfully submitted,
Heidi Zagorski, Recording Secretary