

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
January 4th, 2024**

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
Joe Passamonte - present
Bruce Bilapka – present
Selectmen’s Alternate Representative Jaie Bergeron - 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: Selectmen’s Representative Charlene Takesian
Alternate Hal Lynde

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Mr. Doherty announced this is the first public hearing to discuss the zoning amendments proposed for the 2024 Town Meeting.

AMENDMENT 1 – Public Hearing

To amend Pelham Zoning **Article III Section 307-10 Off-street parking and driveways** to add the following language: *Multifamily, Workforce Housing, and Age Restricted Housing buildings with four (4) or more units per building shall provide additional off-street parking in the visitor/occupant area with EV car charging stations based on a minimum of twenty-five percent (25%) of the units in the building.*

Mr. Doherty opened proposed amendment one (1) to the public for input.

Ms. Debbie Kruzel from 76 Beacon Hill Road introduced herself. Ms. Kruzel asked if these proposed charging stations would be for visitor parking. Mr. Doherty replied that the charging stations would be for visitors or occupants. Ms. Kruzel asked how you would know what type of EV visitors/occupants would have. Mr. Doherty said you would not. Ms. Kruzel confirmed with Mr. Doherty that this would be for new buildings, not existing buildings. Ms. Kruzel asked if this would be on the developer to pay for the EV charging stations or if there were any grant monies available. Mr. Doherty said the cost would be on the developer for multi-family buildings. Ms. Kruzel asked who would be responsible for the cost of charging the vehicle. Mr. Doherty said it would be

determined by who owns the development. Ms. Kruzel stated that as of April 2023, 1% of all cars purchased in the United States are electric vehicles. Ms. Kruzel said she felt this was an over-the-top requirement for a developer.

Mr. Ed Rosamilio from 44 Keyes Hill Road introduced himself. Mr. Rosamilio said that most developers have it as an option for the buyer to opt to have an EV charging station installed. He said that he felt it could be a waste if it was mandatory to install the stations as they may never get used. He said he does not see putting the expense on the builder who will then put the expense onto the homeowner who buys the property. Mr. Doherty reiterated this is for multi-family buildings with four (4) or more units. Mr. Rosamilio said the charging stations are also known for fire hazards. Mr. Rosamilio said it should be left up to the developer or the homeowner if they would like to opt in for an EV charging station.

Mr. Doherty clarified the EV charging stations would be added to additional off-street parking for visitor/occupant parking, adding the stations would be outside, not inside, and it is for buildings with four (4) units or more.

Hearing and seeing no further response from the public, Mr. Doherty closed the discussion to the public and brought the discussion back to the Board members.

Mr. Jim Bergeron said with the public comments brought forward, the Board may want to consider redrafting the language. Mr. Jim Bergeron said he did not find himself wanting to move forward with recommending this on the ballot.

Mr. Roger Montbleau said that he agreed with Mr. Jim Bergeron. Mr. Montbleau confirmed that if you had a building with twenty (20) units, you would need to have five (5) EV charging stations. Mr. Montbleau said you would need to have a much bigger service to the building. Mr. Montbleau said it could add a lot of cost for bigger electrical service needs and referenced Ms. Kruzel's point that only 1% of vehicles in the United States that are currently being purchased are EVs.

Ms. Masse-Quinn said that she supported what Mr. Jim Bergeron and Mr. Montbleau had said. Ms. Masse-Quinn said this was derived from working with the Master Plan and was trying to balance out a ten-year plan. Ms. Masse-Quinn said she thought it may help those who may have an EV.

Ms. Jennifer Beauregard said she had a conversation with Mr. Steve Keach from Keach-Nordstrom Associates who is the town's engineer consultant. Ms. Beauregard said Mr. Keach had a recommendation that this may better live in the site plan regulations and added that rather than making requirements, you could make provisions for allowing them.

MOTION: (Bilapka/Montbleau) To remove the proposed amendment to Zoning Article III Section 307-10, the addition of EV charging stations, from consideration.

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

AMENDMENT 2 – Public Hearing

To amend Pelham Zoning **Article III Section 307-13 Additional Lot Size and Street Access Requirements** to amend the current language as follows (new language italicized, language being removed, inside these symbols < >): Every new multi-family lot, and workforce housing parent lot <in the residential district > shall contain 217,800 contiguous square feet of non-wetlands. *For septic loading calculations, non-contiguous lots separated by a wetland or stream shall be treated as two (2) or more individual parcels. The total number of units shall be split up and built on each part of the parcel based on the square footage of the contiguous non-wetland area of each part of the parcel.*

Mr. Doherty provided an example as if you had a 100-acre parcel of land with 10 acres of buildable land and you had a stream separating it leaving 90 acres of buildable on the front or back side, currently, the State allows you to use the entire 100-acre parcel of land to calculate the number of apartment units you could build and you could place these units on the 10-acre parcel instead of spreading it out over the 100-acre parcel. Mr. Doherty said the proposed amendment is designed in a way that if you're parcel is broken up by wetlands or streams, you would have to build accordingly on each part of the property by what is allowed in that area by septic calculation.

Mr. Doherty opened proposed amendment two (2) to the public for input. Hearing and seeing no response, Mr. Doherty closed the discussion to the public and brought the discussion back to the Board members.

Mr. Doherty confirmed with Ms. Beauregard that Mr. Steve Keach had commented on this amendment proposal. Ms. Beauregard said Mr. Keach pointed out that the proposed language by the Planning Board stated *every new multi-family lot and workforce housing parent lot* and a lot of these projects coming forward will be on existing lots and added that you would want the same rule to apply to existing lots that are not necessarily a new lot. Ms. Beauregard said they spoke about new recommended language that still has the same intent. Ms. Beauregard presented a copy of this to the Board members.

Mr. Doherty reviewed and discussed Mr. Keach's recommended language changes with the Board members. Mr. Doherty read Mr. Keach's language as: *Every new multi-family lot, and workforce housing parent lot shall contain 217,800 contiguous square feet of non-wetlands. For septic loading calculations, non-contiguous areas separated by a wetland or stream shall be treated separately. The total number of units shall be split up and built on each area of the parcel based on the square footage of the contiguous non-wetland area of each part of the parcel.*

Mr. Doherty opened the discussion for input to the public following the engineering review and suggested changes. Hearing and seeing no response, Mr. Doherty closed the discussion to the public.

Mr. Doherty said this proposed amendment would require a second public hearing based on these changes.

MOTION: (Montbleau/Passamonte) To allow Ms. Beauregard to make the changes to the proposed amendment of Article III Section 307-13 which will be presented at the second public hearing.

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

AMENDMENT 3 – Public Hearing

To add a new article to Pelham's Zoning Ordinance **Article IX Age Restricted Housing Ordinance** to provide important needed housing opportunities for seniors in Pelham and to recognize the need for granting provisions whereby appropriate housing alternatives may be provided for seniors fifty-five (55) years of age and over.

Mr. Doherty said this is regarding offsetting the funding the town would incur from having multifamily housing, apartment buildings, and potentially workforce housing built in town. Mr. Doherty read the proposed amendments under Article IX Age Restricted Housing Ordinance (enclosed below).

Draft Zoning Changes for the 1st Planning Board Public Hearing
January 4, 2024
Newly created section in its entirety

DRAFT

**ARTICLE IX
AGE RESTRICTED HOUSING**

AUTHORITY: In accordance with RSA 674:21(c) and RSA 674:21 (h), the ordinance from which this section is derived is adopted to encourage the establishment and construction of Age Restricted Housing (ARH) units in the Town of Pelham. Consistent with the provisions of RSA 674:21, this section provides for a use incentive that permits increased densities and development flexibility.

307-49 Purpose and Intent

In Accordance with the intent of the 2023 Pelham Master Plan to provide important needed housing opportunities for seniors in Pelham and to recognize the need for granting provisions whereby appropriate housing alternatives may be provided for seniors fifty-five (55) years of age and over.

It is declared to be in the public interest and for the general welfare of the Town of Pelham to permit the development of ARH facilities specifically suited to address the special housing needs of seniors.

Any ARH development under this section must be established and maintained in compliance with the Fair Housing Act, as amended, 42 USC Sec. 3601 et seq. and the New Hampshire Elderly Housing Statute, RSA 354-A:15 and applicable state and federal regulations.

307-50 Definitions

Definitions: The following words, terms, and phrases, when applied to this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

- A. **Age Restricted Housing (ARH):** A dwelling building with each dwelling unit restricted to occupancy by households with at least one (1) permanent resident who is age fifty-five (55) years of age or older.
- B. **Seniors:** Persons age fifty-five (55) and older. Housing specifically designed for Active Adults ages fifty-five (55) and older and as defined in the Federal Regulations.
- C. **Handicapped Accessible:** Meeting the design requirements of the "Barrier-Free Design Code for the State of New Hampshire" and/or the Uniform Federal Accessibility Standards (UFAS).

307-51 Requirements for ARH Developments

Each ARH development shall meet the following requirements:

- A. All ARH developments will be subject to a conditional use permit. The conditional use permit shall be administered by the Planning Board. The Planning Board is authorized to grant, deny, or grant with conditions the permit to establish an ARH development. Site Plan review approval, in accordance with the Planning Board's Land Use Regulations, shall also be required. The Planning Board shall be authorized to adopt additional regulations as part of the site plan review regulations in order to address the unique concerns related to ARH developments and implement this section.

4. Land located within the limits of the 100-Year Flood as defined by the Flood Insurance Maps prepared by the National Flood Insurance Administration.
5. Land within a ledge or bedrock area covered with less than four (4) feet of pre-existing, naturally occurring non-wetland soils.
6. Land areas located outside of the boundary limits of the Town of Pelham.

- B. **Density Criteria:** The site shall provide at least 10,000 square feet of land area for each dwelling unit.

This density criteria is not intended to limit a developer's option to cluster or place separate units within the overall site, except that no unit (clustered or separate) shall be placed within any land area described in subparagraphs one (1) through six (6) in section 307-52A.

When a developer extends or brings in a new water supply line (i.e., Pennichuck, Dracut, MA, Hudson, NH, etc.), the Planning Board at its discretion, may allow the density to follow the guidelines used in Pelham's MUZD for density.

- C. **Frontage Requirement:** Every ARH development shall have not less than fifty (50) feet of continuous feet of frontage on a Class V or higher public road. The fifty (50) feet of public road frontage must be accessible to Police, Fire and Medical Emergency vehicles without those vehicles first having to leave the corporate limits of the Town of Pelham.
- D. **Set Back Requirements:** All parking areas shall be set back from the nearest lot line a minimum of fifty (50) feet. All buildings shall be set back from the nearest lot line a distance of fifty (50) feet or two (2) times the height of the building.
- E. When an applicant proposes an ARH development that abuts a residential property, a site walk shall be done as part of a conceptual design review to see if adequate buffering and screening from the existing houses can be achieved.

307-53 Plan Approval

- A. Each proposed ARH development must receive site plan approval from the Pelham Planning Board in accordance with its Land Use Regulations.
- B. The Planning Board shall review all applications for ARH developments for seniors in accordance with the above procedures and approve or deny such applications and require such covenants or legal restrictions they deem necessary to insure the intent of the ordinance.

Each plan for an ARH development must meet the following:

1. Respect the integrity of adjacent single-family neighborhoods and to the extent feasible, minimize any conflicts with the character of the existing neighborhoods.
2. The design and site layout of the development shall maximize the privacy of the dwelling units, preserve the natural character of land where feasible, provide for the appropriate separation of parking and living areas as determined by the specific use and consider such factors as orientation, energy usage, view, etc.
3. The development shall be landscaped so as to enhance its compatibility with the Town of Pelham with emphasis given to the use of existing natural features where possible.

- B. Each ARH developments will be located on a single, undivided parcel of land, parent lot.

- C. Each dwelling unit within the development shall contain at least seven hundred (700) square feet of living space and may occupy two (2) floors, provided that at least one bedroom and one full handicapped accessible bathroom must be situated on the floor containing the principal access and main living area for the unit.

- D. The number of units shall be established in compliance with Section 307-52 of this ordinance.

- E. Each dwelling unit shall have no more than two bedrooms (2), and shall be specifically designed for occupancy by seniors providing for such things as emergency lighting, exits, fire and safety equipment and adequate structural design features to permit handicapped accessibility such as handicap ramps, sidewalks, generators, etc.

- F. Residential facilities designed for exclusive occupancy by seniors, as a minimum, must meet federal and state regulations for such facilities.

- G. Occupancy of each unit shall be restricted to persons fifty-five (55) years and older, with the following exceptions:

1. A spouse under the age of fifty-five (55) married to a resident age fifty-five (55) or older.
2. An adult over the age of eighteen (18), if their presence is a reasonable accommodation to provide medical care to a resident aged fifty-five (55) or older or to the resident's spouse.
3. In no event shall anyone under the age of eighteen (18) years of age be allowed to reside in the ARH. In the event of the death of the senior which results in the remaining occupant of the ARH being less than fifty-five (55) of age, such occupant may continue to reside in the ARH until the next conveyance or transfer of record of title of that ARH unit, at which time the use and occupancy of the ARH shall be re-established to require at least one (1) fifty-five (55) or older person to be a permanent resident.

307-52 Site Requirements

ARH shall be considered within all residential and business districts.

Every ARH development must be located on a site that meets the following minimum requirements:

- A. **Minimum Lot Size:** The site shall have a minimum net area of not less than ten (10) contiguous acres with at least five (5) contiguous acres of which shall not contain poorly or very poorly drained soils as defined by the Site-Specific Soils Mapping Standards for New Hampshire and Vermont.

The ten (10) acres minimum shall not include:

1. Land with a slope in excess of 25%.
2. Land located within any high-tension electrical or high-pressure gas line easement, (areas located on opposite sides of any high-tension electrical easement shall not be considered contiguous for the purpose of this section).
3. Land located within the Wetland Conservation District buffer

4. The Planning Board may require sufficient landscaped or naturally vegetated buffers for adjacent uses. Buffers shall be maintained to provide continued screening.

5. Performance Bond and other legal data shall be submitted as required by the Planning Board to insure the completion of Streets, Buffers, and amenities in accordance with the accepted plans and the Land Use Regulations of the Town of Pelham as adopted or hereafter amended.

307-53-1 Evaluation Criteria

In considering plans submitted under this Ordinance, the Planning Board shall take into consideration the Public Health, Safety and General Welfare as well as the comfort and convenience of the Public in general and the residents of the immediate neighborhood in particular and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance and particularly in regard to achieving:

- A. Maximum safety of traffic access and egress with minimum impact on the capacity of existing roads and sufficient parking areas to provide for adequate off-street parking.
- B. Reasonable screening of all parking lots, service areas and multi-family housing developments from the view of adjacent residential properties and streets.
- C. Installation of public improvements and amenities, at the expense of the applicant, to assist in the establishment of a sound neighborhood environment. Such improvements shall include but shall not be limited to sidewalks and street trees, extension of utilities and, when deemed necessary, improvements to existing roadways and/or drainage systems in order to adequately serve the proposed development.
- D. Conformance of the building and all related signs and structures to the proportion of the aesthetic character of the area, as determined by consideration of architecture, building size and type, scale of lot coverage and consistency of uses in the immediate area.
- E. Continuation of existing trails and establishment of new trails including interconnections with pedestrian walkways between abutting or adjacent parcels.

307-53-2 Development Standards

- A. ARH development may be served by municipal water and sewer, by private systems suitable for community use, or by wells and individual septic systems approved by the Planning Board and the State of New Hampshire and in compliance with the Town of Pelham Well Ordinance.
- B. **Entrances** – All building entrances and exits must comply with all current handicapped accessibility regulations; however, the use of ramps and lifts is discouraged. Buildings should be designed with entrances that are barrier free for the intended uses.
- C. No building shall contain more than six (6) dwelling units, except that the Planning Board may permit more than six (6) units per building when, in the Board's sole discretion, such increase provides specific, substantial benefits consistent with the purpose and intent of this Ordinance such as an assisted living facility.

- D. Where there will be more than one (1) building on a lot, the following minimum horizontal separation between units shall apply, provided NFPA Standards are met to the satisfaction of the Authority Having Jurisdiction (AHJ):

- a. Detached Single Unit Structure - twenty (20) Feet
- b. Duplex, Two-Unit Structure - thirty (30) Feet
- c. Three to Six-Unit Structures - forty (40) Feet

- E. Buildings shall be no more than forty (40) feet from mean grade to ridge height. Any building located in the Mixed-Use Zoning District shall not exceed thirty (30) feet in accordance with 307-25-7 of the Zoning Ordinance.

- F. The Planning Board may require a greater separation where topography or other unique characteristics of the site or the development will affect:

1. The use of emergency equipment between buildings.
2. The privacy or aesthetics of the unit placement.
3. All units within a building shall have means to at-grade access.
4. Parking for visitors and guests will be provided as required by the Pelham Planning Board.
5. Sidewalks on at least one side of each roadway/driveway within the interior of the ARH development shall be provided to allow for and encourage safe pedestrian flow.
6. All units shall be serviced by sprinklers. Additional fire suppression water supply, such as cisterns, shall be required and located at the direction of the Pelham Fire Chief or his appointed inspector.
7. Fire lanes shall be required and located at the direction of the Pelham Fire Chief or his appointed inspector.

307-53-3 Other Provisions

- A. Interpretation: To the extent that the specific requirements of this ARH ordinance are inconsistent with any other requirements contained in the Zoning Ordinance, the requirements imposed herein shall govern and control an ARH development proposal. To the extent that specific requirements imposed herein are inconsistent with or in conflict with the requirements of the State of New Hampshire or the requirements of the Federal Government with respect to the operation or construction of an ARH development, such State or Federal requirements shall supersede the requirements of this Ordinance.
- B. Legal Documents Required: The Planning Board shall require such covenants, legal restrictions, or maintenance schedules that it deems necessary to insure the intent of this ordinance. The Planning Board shall require review and approval of any such documents by legal counsel to ensure that the form and substance of such documents is sufficient to achieve and preserve the requirements of this Ordinance. The provision and review of any documents required hereunder shall be at the Applicant's expense.
- C. Assurances of Senior Residency: The Applicant shall provide deed restrictions, use limitations, covenants, or some other legally enforceable instrument, which shall permanently restrict occupancy of the housing facilities to persons who meet all applicable restrictions regarding age as required by this Ordinance. Said assurances shall include provisions for:

1. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner(s) or manager(s) to provide housing for persons fifty-five (55) years of age or older; and
2. Annual verification of compliance with the age restrictions by reliable surveys and affidavits. Notice of the results of the annual verification process is to be provided to the Planning Department.

- D. Performance Guarantees Required: The Planning Department shall require that a restoration bond and/or such legal assurances be submitted as are required to insure the completion of streets, buffers, amenities or common area improvements, or offsite improvements in accordance with the approved plans and the Land Use Regulations of the Town of Pelham. An escrow deposit shall be required for construction monitoring by the Planning Board's review engineer to assure the development is built according to an approved plan.

307-54 Septic System

The septic system or systems for any ARH shall comply with the requirements within the New Hampshire Code of Administrative Rules along with the following:

The Pelham Planning Board shall not waive any conditions within the New Hampshire Code of Administrative Rules for the design and construction of the septic system or systems for any ARH development.

Any disputed interpretations of the New Hampshire Code of Administrative Rules, including but limited to, setbacks, contiguous receiving areas, alternate areas required for replacement of the system or systems shall be left to the discretion of the Pelham Planning Board or its professional peer review designer for final determination.

Soil types that are reported to be better than those indicated by the USDA-NRCS soil maps shall be determined by an outside licensed soil scientist hired by the Pelham Planning Board at the applicant's expense.

In all cases there shall be a minimum of two (2) test pits at each end and within the footprint of the proposed septic bed area or areas. The test pits in all cases shall be at the actual final design elevation of the septic bed or beds when conducted.

Should the final design elevation be higher than the existing natural soil elevation at the time of the test pit data collection, the designer/engineer shall submit those findings with documentation as to why the test pit or pits could not be within the natural occurring soil.

No receiving area over soil conditions not acceptable by the New Hampshire Code of Administrative Rules as suitable for the EDA/septic bed/SDS will be allowed.

307-55 Waivers

The Planning Board may grant a waiver of one or more of these regulations if they Board finds, by majority vote that:

1. Strict conformity would pose an unnecessary hardship to the applicant and the granting of such waiver would not be contrary to the spirit and intent of this ordinance; or
2. Specific circumstances relative to the site plan, or conditions of the land indicate that the waiver will probably carry out the spirit and intent of this ordinance.

The applicant/owner shall make all waiver requests in writing and provide sufficient justification supporting each such request for consideration by the Board. In all instances where the Planning Board

votes to grant an applicant waivers from one or more requirements of this ordinance, the basis for such waiver(s) shall be recorded in the minutes of the Board's proceedings and the Board shall require that the applicant include a notation on the final site plan acknowledging any and all modifications or waivers granted by the Planning Board.

Mr. Doherty said that Mr. Keach suggested under 307-52:B Site Requirement Density Criteria to change the language to *when an applicant extends or brings in a new public water supply line by a licensed public utility*. Mr. Jim Bergeron said this language change does make it more fluid and he would be okay with this language change. Mr. Doherty explained this change would require the amendment to go to a second public hearing.

Mr. Doherty said Mr. Keach suggested omitting 307-53-5 and putting it in the site plan regulations. Ms. Beauregard said the same language is also under 307-53-3:D, and this should be removed as well if the Planning Board decides

to remove 307-53-5. Mr. Doherty suggested removing 307-53-5 and leaving 307-53-3:D.

Mr. Doherty said they have suggestions from legal counsel. Mr. Doherty said under 307-51:G-2, legal counsel suggested replacing *over the age of eighteen* to *caregiver* and also removing the first line under 307-51:G-3 which references *anyone under the age of eighteen*.

Mr. Doherty said you are not allowed to mandate sprinkler systems for one or two-unit buildings therefore under 307-53-2:F6, you would remove the first sentence and remove the first word in the second sentence.

Mr. Doherty opened proposed amendment three (3) to the public for input.

Mr. Ed Rosamilio from 44 Keyes Hill Road introduced himself. Mr. Rosamilio said he did some research within the Assessor's office and Age Restricted Housing generates about 1.8 million dollars per year. Mr. Rosamilio said he believed this would be in the schools' interest without any impact. He commended the Board for bringing this back.

Ms. Masse-Quinn said she was in favor of this ordinance because after being involved in the Master Plan, it was discovered that the majority of the town was over the age of fifty-five (55).

MOTION: (Montbleau/Bilapka) To allow Ms. Beauregard to make the changes to the proposed amendment of Article IX which will be presented at the second public hearing.

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

Mr. Doherty closed the first public hearing.

MEETING MINUTES

MOTION: (Masse-Quinn/Montbleau) To approve the December 18th, 2023 meeting minutes.

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

NEW BUSINESS

Case #PL2024-00004

Map 42 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. Brady Clune introduced himself in place of Mr. Charbel Kassis from 10 Bridge Street. Ms. Dina Zisis introduced herself as an owner of MZL Realty Trust, LLC.

Ms. Beauregard explained this applicant was before the Planning Board on November 20th, 2023 seeking a minor Site Plan Review to add retail space to the second floor of the existing building. She said it had been discussed at earlier meetings that the second-floor space was to be used for storage only. She said further research of this property shows

that in 2009 the property owner was before the Planning Board with a Revised Site Plan to reconfigure the new space for more units within the same square footage. Ms. Beauregard said at the time, the Planning Director was Jeff Gowan and he explained that they were *“proposing to take the approved square footage and build it in a way that would meet the needs of the prospective tenants”*. She said that Mr. Gowan spoke about the parking situation and explained when they had prospective tenants, they would need to run the calculations to see if the site could accommodate that tenant. Ms. Beauregard said this plan at the time was presented by Mr. Zohdi of Edward N. Hebert Associates, and he explained to the Board that the use of the storage space required twelve (12) parking spaces. Ms. Beauregard said the Planning Board approved the Revised Site Plan subject to the applicant bringing every tenant to the Planning Director at the time, Jeff Gowan, to explain how they would capacitate the septic and the parking before they moved in. She added that all existing restrictions that had been placed on the property during the initial approval would remain in place. Ms. Beauregard further explained that this was for the three middle units on the second floor. Ms. Beauregard said this space had been occupied on the second floor previously. Ms. Zisis stated they were here for a change of occupancy.

Mr. Clune said the proposed business, Vape Vibes, is a modern vape shop. Mr. Clune explained that they have three other locations and have been operating for five-plus years.

Mr. Montbleau asked if it is permissible to sell flavored vape products in New Hampshire. Mr. Clune replied yes, they are permissible in New Hampshire. Mr. Montbleau asked how this would affect the parking. Ms. Zisis said it would not affect the parking because one of the units on the first floor is not currently occupied and holds the most parking requirements.

Mr. Passamonte said the condition that was approved was subject to the septic load and adequate parking. Ms. Beauregard explained the storage space on the second floor had been calculated for twelve (12) parking spots. Mr. Doherty asked what the current capacity of the septic was. Ms. Beauregard said it appeared that the approval for the septic in 2008 was 866 gallons per day which was approved for the Mobile Gas Station, 3 Pump Islands, 3x Employees, 8,721 sq. ft. retail building, and second-story warehouse. Ms. Beauregard said any increase to this would require the owner to go back to the State. Mr. Doherty confirmed with Mr. Clune that they would have one employee at a time and only use water for restroom purposes.

Mr. Passamonte discussed the parking situation in the event the first-floor tenant was to re-open. Ms. Zisis said the first-floor tenant would then have restricted parking and if needed, would come before the Planning Board. The Board members discussed possible outcomes if this were to happen.

Mr. Jim Bergeron discussed the current occupants with Ms. Zisis and the estimated occupant load per unit. Mr. Jim Bergeron asked if 1395 was the maximum design of the single existing septic system. Ms. Zisis replied she believed it was 1300 but could look into it. Mr. Jim Bergeron said he would like to ask the Health Officer and the Code Enforcer to estimate the potential loading calculation of the septic. Mr. Doherty stated that Ms. Zisis would need to determine if any capacity was left on the existing system. The Board discussed whether the applicant could receive conditional approval based on the septic loading calculation. Mr. Passamonte asked Ms. Zisis if she could provide Ms. Beauregard with a plan for the parking spaces if the first-floor tenant were to re-open.

MOTION: (Masse-Quinn/Passamonte) To conditionally approve the Site Plan Review with the conditions that the existing septic system’s capacity could handle the business, and that the owner provides a parking plan for when/if the first-floor tenant were to re-open.

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

Case #PL2024-00001

Map 23 Lot 8-17

GIRL SCOUTS OF EASTERN MA (owner) - MURTAGH, Tom (applicant) – 702 Bridge Street - Seeking Site Plan review for construction of a Clivus Building with the dimensions of 18’3” x 13’4”, the building will have naturally composting bathrooms. This will match the existing Clivus Building on site.

Ms. Masse-Quinn read the list of abutters.

Mr. John Spottiswood recused himself from Case #PL2024-00001.

Mr. Tom Murtagh introduced himself as the property manager and explained they were here seeking approval to build a Clivus on the property. He stated that the camp is busy and growing and for convenience, they would like to add a Clivus building.

Mr. Doherty confirmed with Mr. Murtagh that the distance from the proposed location of the Clivus is approximately 800 feet from Little Island Pond and the Brook.

Mr. Doherty opened the discussion to the public. Hearing and seeing no one, Mr. Doherty closed the discussion to the public.

MOTION: (Jim Bergeron/Passamonte) To approve the Site Plan review for the construction of the Clivus Multrum building.

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

PL2024-00002

Map 16 Lot 13-125-17

McCARTHY, Robert J. – 7 A&B Burrow Lane (private drive off Surrey Lane) - Seeking approval of a Conditional Use Permit for a 998 sq. ft. 2-bedroom detached ADU (Accessory Dwelling Unit) with an attached 1-car garage on a previously undeveloped lot that is also proposed to have a 3-bedroom house. The ADU will be addressed as 7A Burrow Lane, and the main house will be 7B Burrow Lane.

Mr. Robert McCarthy introduced himself from 161 Jeremy Hill Road.

Ms. Masse-Quinn read the list of abutters.

Mr. McCarthy explained this is approximately a 6-acre lot and he would like to build a new house with a 998 sq. ft. detached ADU. Mr. Doherty asked what the distance was from Surrey Lane to the existing house. Mr. McCarthy said he believed it was a little over 200’.

Mr. Jim Bergeron discussed the frontage and driveway with Mr. McCarthy. Mr. McCarthy said the driveway was approved to run down the middle with a detention pond on the right side as you come in.

Mr. Doherty opened the discussion to the public.

Ms. Maureen Golden introduced herself from 10 Pineridge Road. Ms. Goldwin explained that behind her house are wetlands and her backyard has woods that lead up to the proposed lot. She said there is now a stream behind her house and wanted to bring this to the Board’s attention. Ms. Goldwin said she is concerned that the way the land

slopes downward toward her property the water could be an issue. Mr. Doherty asked if there was a stream that ran through the proposed property. Ms. Golden said there was a stream.

Mr. Jim Bergeron asked Ms. Beauregard if this was a previously approved subdivision. Ms. Beauregard replied yes. Ms. Beauregard said this lot received variances when it was created because of the frontage requirement. Ms. Beauregard said it was now an approved lot of record.

Mr. Jim Bergeron asked if the drainage was tied into culverts now. Mr. McCarthy said yes.

Mr. Gary Leblanc from 12 Surrey Lane introduced himself. Mr. Leblanc stated about 35 years ago when he bought his property the ten acres behind his house were donated to the town for the builder to finish Surrey Lane and afterward, the builder acquired the ten acres back which were all wetlands. Mr. Leblanc said once the property was purchased, the owner wanted to build a house for his daughter and the Planning Board allowed him to build the house. Mr. Leblanc said five years later, this owner came before the Planning Board to build a second house. Mr. Leblanc said at the time, Planning Board members did a site walk of the property it was stated that it was a very wet area, and where they wanted to build the house, it was considered stacking and did not meet the criteria of a 100' of frontage. He explained he believed it was approved. Mr. Leblanc said now the current applicant is here to build two homes in an area that was considered wet and unbuildable. Mr. Leblanc said the Planning Board is watering down the guidelines with special exceptions. Mr. Leblanc expressed concern about the length of the driveway and emergency vehicle access. Mr. Leblanc stated there are a lot of wetlands in this area and wasn't sure how the second septic system would fit in the area. Mr. Jim Bergeron explained on the certified plans there is 62,816 sq. ft. of non-hydrant soil. He said the applicant is over on the amount required and added that Mr. McCarthy is building a single-family home with a detached ADU which can never become two houses on this lot. Mr. Jim Bergeron explained that the house would remain owner-occupied with the detached ADU on the property.

Hearing and seeing no further response, Mr. Doherty closed the discussion to the public.

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

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

Ms. Beauregard confirmed that the applicant meets all of the criteria. Mr. McCarthy confirmed that the septic was approved for both buildings and that he also received approval from the Fire Department.

MOTION: (Passamonte/Masse-Quinn) To approve the conditional use permit for a 998 sq. ft. two-bedroom detached Accessory Dwelling Unit.

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

Case #PL2024-00003

Map 35 Lot 6-31

CREST PROPERTIES, LLC – 1 Willow Street - Seeking Site Plan review to remove 4 parking spaces in the center of the parking lot to facilitate a smoother entry and exit from Willow Street Plaza, the removal of parking spaces does not include any handicapped spaces.

Mr. Doherty explained this has previously been in front of the Board informally and the removal of the four (4) parking spaces has already been done. Ms. Beauregard said the parking spaces had been removed in an attempt to

make the flow of the parking lot smoother. Mr. Doherty said the applicant is here for the Planning Board to approve a revised plan.

Ms. Masse-Quinn read the list of abutters.

Mr. Sunil Lakhani introduced himself as the owner of Crest Properties, LLC. Mr. Mike Brown introduced himself from G.J. Brown Realty as the property manager.

Mr. Jaie Bergeron recused himself from Case #PL2024-0003.

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

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

Mr. Doherty opened the discussion to the public. Hearing and seeing no response, Mr. Doherty closed the discussion to the public.

Mr. Paddy Culbert asked Mr. Lakhani about updating the landscaping. Mr. Lakhani said in 2023 they focused on parking and in Spring 2024 they would be addressing the landscaping.

Mr. Doherty announced a five-minute recess due to technical difficulties. Mr. Doherty resumed the meeting at 10:08 PM.

MOTION: (Montbleau/Passamonte) To approve the site plan review.

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

Case #PL2023-00039

Map 21 Lot 3-76-17

WOJCIK, Randy – 10 Colonial Drive - Seeking approval of a Conditional Use Permit for a 1-bedroom detached ADU on the 2nd floor of an existing garage. The total square footage for the ADU is 546 sf. Also, seeking a Waiver from Article XII, Section 307-73 G (1) of the Zoning Ordinance concerning the minimum lot size requirement for Detached Accessory Dwelling Units, the subject lot consists of 1.31 acres where 1.5 acres is required.

Ms. Masse-Quinn read the list of abutters.

Mr. Randy Wojcik introduced himself from 10 Colonial Drive. Mr. Wojcik said he is seeking approval to renovate an existing detached garage into a detached ADU and seeking a waiver because his lot is 1.31 acres where 1.50 acres is required.

MOTION: (Montbleau/Masse-Quinn) To consider the plan for approval.

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

Mr. Doherty opened the discussion to the public. Hearing and seeing no one, Mr. Doherty closed the discussion to

the public.

Mr. Montbleau asked Mr. Wojcik if there is water in the existing garage currently. Mr. Wojcik said no. Mr. Montbleau asked if the applicant was going to build a separate septic system for the ADU. Mr. Wojcik said the existing septic is being upgraded to meet the usage. Mr. Wojcik said because the garage is lower than the house, the septic will have a two-chamber tank that will pump up to the new septic that will bring water from the existing house into the garage. Mr. Montbleau asked if the applicant would be heating the ADU with propane. Mr. Wojcik said they would more than likely use propane and that they are looking at the setbacks to find a location to place one tank for both units. Mr. Wojcik said they may have to go with a separate propane tank for the ADU.

Mr. Jim Bergeron asked Ms. Beauregard if they would need a well radius waiver. Ms. Beauregard said they do not need a waiver from the Planning Board because it is an existing lot of record. Mr. Jim Bergeron asked for proof of the 10,000 non-hydrant soils. Ms. Beauregard said they could verify it with the applicant's engineer.

MOTION: (Montbleau/Bilapka) To approve a waiver for a detached Accessory Dwelling Unit on 1.31 acres.

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

MOTION: (Bilapka/Montbleau) To approve the conditional use permit for a 1-bedroom 546 sq. ft. detached Accessory Dwelling Unit.

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

Case #PL2024-00005

Map 23 Lots 12-98, 12-99-4, 12-99-5

Triple Crown Homes, LLC – Kinnal Avenue - Seeking approval to Consolidate 3 lots and Re-Subdivide into 10 lots.

Ms. Masse-Quinn read the list of abutters.

Mr. Doug McGuire introduced himself from the Dubay Group representing the applicant Triple Crown Homes, LLC. Mr. McGuire explained that they were before the Planning Board with a conceptual plan in May of 2023. Mr. McGuire explained that this is a 24-acre property located off Kinnal Avenue. Mr. McGuire said in its current state it is three lots and the proposal is to consolidate those three lots and subdivide the property into a standard ten-lot subdivision. Mr. McGuire said the subdivision lots are now designed with a grading and drainage plan. Mr. McGuire explained the roadway is proposed to be a closed drainage system with catch basins and piping. He explained they were able to collect all the stormwater from the development and bring it to one downgradient pond system mitigating the drainage. He explained the pond is on the largest lot proposed. Mr. McGuire said they are holding a consistent 50' perimeter buffer on the whole property. He said these are intended to be higher-end lots and all the homes have a three-car garage with side load entries.

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

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

Mr. Doherty opened the discussion to the public.

Mr. William McCormick from 8 Doreen Drive introduced himself. Mr. McCormick said his concern is water run-off that runs behind his home and is concerned that the applicant may fill this in not knowing that it is a wetland at times. Mr. McCormick said the water originates from his daughter's property at 6 Doreen Drive and runs through his property then turns toward the right and heads South towards the pond.

Mr. McCormick asked how many acres there are in total. Mr. McGuire said there are 24 acres, and the smallest lot of the proposed subdivision is 1.1 acres.

Mr. McGuire said there are three culverts from the upland roadway system that directly discharge onto their property. He said they accommodated the drainage flow of that and the upper side of Kinnal Avenue and Doreen Drive. He said they modeled this in their drainage analysis. Mr. McGuire said the home that is proposed at the end of the cul-de-sac (lot 9) has a proposed driveway culvert with a 24" pipe designed for the water flows that exist. Mr. McGuire said the water Mr. McCormick spoke of contributes to one of the wetland fingers that is downstream of their property, but they are not proposing any development in between those. Mr. McGuire said they are not building any homes in that flow path. He said they would not be impeding that at all.

Mr. McGuire said the detention pond is on lot 10 which is 8.9 acres. Mr. McCormick asked in the future if there would be any homes built on the lot with the pond (lot 10) and also if there would ever be a roadway connecting to Doreen Drive. Mr. McGuire said no. He said they do not have the grade to do that and explained it graded up too steeply to make a roadway go through there.

Hearing and seeing no further response from the public, Mr. Doherty closed the discussion to the public.

MOTION: (Montbleau/Passamonte) To send the proposal to Mr. Steve Keach for engineering review and review by the Conservation Commission.

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

Ms. Beauregard asked if the applicant should go before Highway Safety. The Board members discussed this with the applicant and didn't feel it was necessary.

Mr. Doherty date specified Case #PL2024-00005 to February 5th, 2024.

DISCUSSION

Mr. Doherty began the discussion on the proposed changes to Article VIII Floodplain Development Ordinance. Mr. Doherty explained that the Federal Government required a revised Floodplain Ordinance. Mr. Doherty said it would be presented at the second public hearing.

Mr. Doherty stated it is Article VIII 307-45. Mr. Doherty said to receive flood insurance, the town ordinances must be streamlined with the Federal regulations. Mr. Doherty said the suggested changes before them came from the New Hampshire Office of Planning and Development. Mr. Doherty explained these are changes they need to make to comply with Federal standards. Ms. Beauregard said she sent this document to NRPC, and they said this is standard language and was sent to other communities as well.

MOTION: (Montbleau/Bilapka) To post the proposed changes to Article VIII Floodplain Development Ordinance as written for the second public hearing.

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

ADJOURNMENT

MOTION: (Montbleau/Passamonte) To adjourn the meeting at 11:03 PM.

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

Respectfully submitted,
Heidi Zagorski, Recording Secretary