

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
February 5th, 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
Danielle Masse-Quinn – present
Joe Passamonte – present
Bruce Bilapka – present
Roger Montbleau – 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: Selectmen’s Alternate Representative Jaie Bergeron
James Bergeron

Mr. Doherty assigned Mr. Paddy Culbert in place of absentee member Mr. James Bergeron.

CONTINUED

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.

MOTION: (Masse-Quinn/Bilapka) To date specify Case #PL2024-00005 to February 22nd, 2024.

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

PLEDGE OF ALLEGIANCE

MEETING MINUTES

Mr. Hal Lynde asked for a correction to Line 234. He requested the year 2024 to be corrected to 2014.

MOTION: (Passamonte/Bilapka) To approve the January 18th, 2024 meeting minutes as amended.

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

NEW BUSINESS

Case #PL2022-00040

Case #PL2022-00041

Map 22 Lot 8-85 & 8-85-1

Bridgeside Commons, LLC (applicant), Gendron, Patrick & Kim (owners) – 579 Bridge Street

Part 1 - The applicant is seeking a 1-year extension of subdivision approval.

Part 2 - Court Ordered Remand (NH Housing Appeals Board Case #PBA-2023-13, December 7, 2023). Site Plan review for a 65-unit apartment building on a 30.5-acre parcel subdivided off of the parent lot where the existing house will remain on 14 acres. Per the order of the NH Housing Appeals Board, the Planning Board's denial of the application for site plan approval, the application for a WCD special permit, and the request for waivers is REVERSED and REMANDED. The scope of the remand ordered is limited to allowing the Planning Board to impose reasonable conditions of approval.

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

Mr. Chris Drescher introduced himself as the representative of the applicant, Mr. Bill Renaud. Mr. Joe Maynard of Benchmark, LLC was also present. Mr. Drescher stated the property at 579 Bridge Street is approximately 44.5 acres. Mr. Drescher said the property has now been subdivided into two parcels; one parcel will be 14 acres intended for the owners Kim and Patrick Gendron, and the balance of the 30.5 acres is intended to have a 65-unit apartment building with market-rate units. Mr. Drescher explained that the original application was denied by the Planning Board. He stated that they appealed this decision to the New Hampshire Housing and Appeals Board (HAB) who reversed and remanded with a mandate to discuss reasonable conditions for approval. Mr. Drescher stated that Mr. Renaud and Mr. Maynard met with the Planning Director, Ms. Jennifer Beauregard, to compile a list of 19 reasonable conditions.

Mr. Maynard said there are two parts to this. Mr. Maynard stated that the first part is to have a request for a one-year extension on the subdivision approval.

Mr. Paddy Culbert asked if the Planning Board had given a one-year extension previously. Mr. Joe Passamonte asked the reasoning for the extension. Mr. Maynard said that they have been tied up on the site plan portion of this for almost a year now. Mr. Maynard said they have not set the necessary monuments. Mr. Maynard said it would probably be done sooner than a year. Mr. Maynard said the weather has been unseasonably warm, which has prevented the setting of the bounds. Mr. Bruce Bilapka asked Mr. Maynard if this could be completed within a six-month time frame. Mr. Maynard said that they may not be able to get the bounds in the swamp area within six months but was confident they could complete the others within six months and post a bond for the remaining bounds if needed. Mr. Culbert agreed that six months would be adequate. Ms. Masse-Quinn asked if they could complete this in three months. Mr. Maynard said he could likely do this if he could post a bond if he could not complete all the bounds within the three months.

MOTION: (Masse-Quinn/Bilapka) To approve a three-month extension of the subdivision approval for Case #PL2022-00040 and to post a bond for any unset monuments.

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

MOTION: (Montbleau/Masse-Quinn) To hold the motion to approve a three-month extension of the subdivision approval for Case #PL2022-00040 and to post a bond for any unset monuments until the discussion is open to the public for input.

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

Mr. Doherty opened the discussion to the public for input on Case #PL2022-0040. Hearing no response, Mr. Doherty closed the discussion to the public.

MOTION: (Masse-Quinn/Bilapka) To hold valid the original motion to approve a three-month extension of the subdivision approval for Case #PL2022-00040 and to post a bond for any unset monuments.

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

Mr. Maynard explained that he would begin to go through the draft list of reasonable conditions.

Reasonable Condition 1. Approval of any and all required waivers that have been granted to be depicted on the recordable plan. Per the order of the HAB Decision dated December 7, 2023.

Mr. Maynard said the waiver needed was for pipe cover. Mr. Maynard said they had 2.7 feet of pipe cover on two lengths of pipe. Mr. Maynard stated that Mr. Steve Keach from Keach-Nordstrom Associates requested special conditions for these two sections. Mr. Maynard stated that this waiver remained outstanding as it was remanded back to the Planning Board to reconsider.

MOTION: (Passamonte/Montbleau) To approve a waiver to allow 2.7” of pipe cover on two lengths of pipe where a 3” pipe cover is required under 203-5-B:3.

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

Reasonable Condition 2. Approval of Special Permit for WCD impacts pursuant to Article VII – Section 307-40 of the Pelham Zoning Ordinance to be depicted on the recordable plan. Per the order of the HAB Decision dated December 7, 2023.

Mr. Doherty opened Case #PL2022-00041 to the public for input.

Ms. Lisa Corbin introduced herself from 165 Bridge Street. Ms. Corbin said her concerns are the buffers, odors from dumpsters, noise levels, and the impact on the wetlands. Ms. Corbin said she is not in favor of 65 units just ten feet off of her property line. Ms. Corbin expressed her concern about privacy because the building would be higher than the location of her home.

Mr. Drescher replied that they did remove the dumpsters and increased the buffers as well as the vegetative buffer. Mr. Renaud stated they also moved the building and the dumpster and increased the density of the plantings.

Hearing and seeing no further response from the public, Mr. Doherty closed the discussion for Case #PL2022-00041 to public input.

MOTION: (Masse-Quinn/Passamonte) To approve the special permit for WCD impacts under Article VII – Section 307-40.

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

Reasonable Condition 3. Receipt of any and all required State Agency Permits including:

- a. Approval of an NHDOT Driveway Permit.
- b. A NHDES Alteration of Terrain Permit (issued March 23, 2023).
- c. A NHDES Construction Approval for each of the two (2) proposed on-site wastewater disposal systems and approval numbers be depicted on the recordable plan.

Mr. Maynard said the only permit pending is the Department of Transportation (DOT). Mr. Maynard said he is awaiting a response from them.

Reasonable Condition 4. The addition of a note to the final site plan referencing the title of a two-lot subdivision plan of Map 22 – Lot 8-85 approved by the Planning Board on May 15, 2023.

Mr. Maynard said he would rectify this by adding a note to the site plan.

Reasonable Condition 5. Receipt of Licensed Land Surveyor acknowledgment that boundary monuments specified as “to be set” on final subdivision and site plans were in fact installed per plan.

Mr. Maynard said he would produce a letter acknowledging this once the bounds are set.

Reasonable Condition 6. Receipt of a letter of confirmation from Pennichuck Water Company to show their ability and intent to allow the extension of the public utility system to the site and acknowledgment from Pennichuck that they will accept and maintain it; to supply water of sufficient volume and pressure in accordance with NFPA standards to satisfy both domestic and fire protection needs of this proposed multi-family dwelling.

Mr. Maynard said he included a copy of a Pennichuck email correspondence stating that Mr. Renaud will have 1400 gallons per minute available on site, 600 gallons per minute for the sprinkler flow, and 800 gallons per minute for hydrant demand with 27 PSI residual pressure. Pennichuck also stated that they would assume ownership of the water main located in the public right of way and added that once the pipe extends out of the right of way onto private property, the pipe would become the responsibility of the property owner.

Reasonable Condition 7. In accordance with the Pelham Land Use Regulations, 203-7 Design and Construction Standards for Utilities, the utility plans, once designed by Pennichuck Water Company and Liberty Utilities, must be submitted to the Planning Director for transmittal to Keach-Nordstrom and to the Highway Department for review and approval prior to scheduling the required pre-construction meeting to which representatives from the utility companies will be invited to attend.

Mr. Maynard explained that once Mr. Renaud completes the financial agreement with Pennichuck, they will finalize the engineering for the extension. Mr. Maynard said at that time they would provide those plans to Mr. Keach for his review.

Reasonable Condition 8. In accordance with the Pelham Land Use Regulation, 203-8 Fire Protection Requirements, receipt of correspondence from the Pelham Fire Chief with favorable review on final project plans, including but not limited to fire lanes, access ways to the building, height of building, pressurized hydrant within 100 feet of the building, location of congregation areas, fire alarm panel locations, quick response sprinkler heads, sprinkler standpipe locations, and any and all fire protection service requirements in accordance with the NFPA standards.

Mr. Maynard provided a letter from the Fire Department stating that they were satisfied with the site plan as presented related to fire lane access.

Reasonable Condition 9. Fire lanes are to be shown on the final plan.

Mr. Passamonte asked where the fire lane was on the plan. Mr. Maynard stated that the Fire Department did not require a fire lane on the plan. Mr. Renaud stated that they discussed this with the Fire Department and as they move forward with the building plan, they will continue to work with the Fire Department. Mr. Renaud stated that the Fire Department did not request a specific spot to be marked on the plan, however, they did discuss where they would park. Mr. Passamonte asked if the Fire Department is not requesting fire lanes to be marked out, does that mean fire lanes are no longer needed in the Town of Pelham? Mr. Renaud stated that the Fire Department's position has been that they approved the site plan, and they would continue to work with them to issue the building plan. Mr. Renaud added that the Fire Department will need to sign off on the Building permit.

Ms. Masse-Quinn read a letter dated May 4, 2023, from the Pelham Fire Department into the record as follows.



PELHAM FIRE DEPARTMENT

P.O. BOX 321
PELHAM, NEW HAMPSHIRE 03076

Chief James F. Midgley

EMERGENCY TEL: 603-635-2421
BUSINESS TEL: 603-635-2703
FAX: 603-635-6970

May 4, 2023

Planning Board
6 Village Green
Pelham, NH 03076

Re. 579 Bridge Street - Bridgeside Commons

Chairman Doherty and Members of the Planning Board,

On November 29, 2022 Mr. Renaud met with the Highway Safety Committee to discuss the proposed apartment complex located at 579 Bridge Street property Map 22 Lot 8-85-1.

In attendance were Fire Chief Jim Midgley, PD Capt. Stephen Toom, Road Agent Jim Hoffman, Planning Assistant Kerry Zelonis, taking minutes. Also in attendance was Joe Maynard of Benchmark, LLC as well as the applicant Bill Renaud.

The project was presented to the HSC using conceptual plans. Discussion began with the trip generation report from TEP LLC, a plan showing more than adequate sight distance in both directions from the proposed access point and a letter from SFC Engineering regarding Fire Dept access to the proposed building. The fire department had no issues with the access road, road length or width as proposed. Due to the fact that the project had a short access road of significant width, underground utilities and one singular building with access around the building there was no need for a second access. The HCS on a 3-0 vote endorsed the project and we requested a road name from Mr. Renaud for our next meeting. On January 31, 2023 we were provided the road name Hudson Way and it was accepted by HSC 3-0 approval.

There was further ongoing discussion on several fire department issues which needed to be addressed and I will go through them and provide you with the information that is current as of the date of this letter.

The most pressing issue for the Fire department was water supply and fire protection. Mr. Renaud stated that he was working with Pennichuck water to extend the water line from Main Street up Rt 38 and into the project. I have spoken to Pennichuck Water, and they have

informed me that with an upgrade of a 40 foot section of Main Street and bringing the waterline up Bridge Street they will achieve a 1500 GPM water flow at the proposed project at 18PSI.


The second part of this was the fire protection flow calculation from a fire protection engineer. This week I was provided fire flow calculations from SFD Engineering. The report states that the NFPA required fire flow calculations for this building are 1,375 GPM for a sustained 2 hours if quick response heads are used. I have spoken to the project owner, and he has already planned for quick response heads in the fire suppression system. This required GPM is below what Pennichuck will be able to provide to the site. As a part of this requirement there will need to be a pressurized hydrant within 100 feet of the building. We have already worked with the project owner to select a suitable location for the hydrant.

Other issues that were discussed were suitable fire lanes, access ways to the building and height of the building, location of congregation areas, fire alarm panel locations and sprinkler standpipe locations. Many of these issues will be further addressed in the final detailed plans as this project moves forward but we are satisfied with the discussions so far. Mr. Renaud is eager to work with the Fire Department to complete this project and obtain his occupancy for the building after final inspection and meeting our requirements.

In our expert opinion, in our respective disciplines, the Highway Safety Committee per its guidelines and the Pelham Fire Department have no objection to this project, and we will work with the project owner as this project moves forward.

As always, if you have any questions, please contact me.

Respectfully,


 James Midgley
 Fire Chief/EMD

CC: Planning Department
 Reno Companies
 Fire Inspector Hodge

The Planning Board continued to discuss the details of the letter. Mr. Doherty discussed the possibility of adding a condition to the approval that if there is not sufficient pressure, then it would be increased on the site using a fire pump. Mr. Maynard said that he would add a note to state that the size of the generator would need to be specified to handle the load criteria.

Ms. Takesian questioned why the Fire Department would not require fire lanes around the building. Ms. Masse-Quinn stated her concern about safety for a 65-unit apartment building and said that she believed that fire lanes should be on the plan. Mr. Culbert agreed that he would like to see fire lanes on the plan.

MOTION: (Masse-Quinn/Takesian) To place fire lanes on the plan as a condition of approval.
VOTE: (7-0-0) The motion carried.

Reasonable Condition 10. Three (3) lane driveway entrance with 1 inbound and 2 outbound lanes. Outbound would be painted and signage indicating left turn only and right turn only. The median between in and out lanes for a distance of 100’.

Mr. Maynard said their traffic consultant, Mr. Kim Hazarvartian, reviewed this condition. Mr. Maynard said that as part of the initial assessment of the property by DOT, it was decided that there wasn't a need for additional traffic lanes at the entrance. Mr. Maynard said DOT does not grant anything above what is needed. Mr. Maynard stated Mr. Hazarvartian said a second lane exiting to Bridge Street is not advised as necessary for safety and a median is not advised as necessary for safety. Mr. Maynard said it is now at the DOT awaiting a response.

Mr. Doherty explained at the crest of Rte. 38 heading South where the entrance of the proposed building would be, begins a passing zone. Mr. Doherty said this is why he had proposed a right-turn lane at the entrance. Mr. Doherty asked Mr. Maynard what would be done at the entrance to mitigate this. Mr. Maynard explained that much more traffic would need to come out of the site before there was a trigger to DOT. Mr. Doherty asked if DOT takes into consideration that this is the start of a passing lane. Mr. Maynard said that DOT may remove the passing lane once the project begins to be developed.

Ms. Beauregard said that they have suggestive language from Mr. Keach to restructure the condition. Mr. Doherty read the following from Mr. Keach: "Subject to approval by the NHDOT, modification of site driveway approach to Bridge Street (NH Route 38) to provide for separate left and right turn lanes for exiting vehicles."

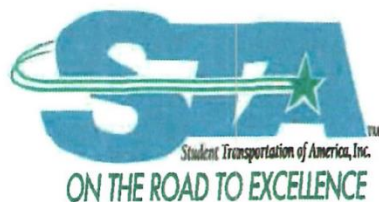
Mr. Doherty asked Mr. Maynard to also ask NHDOT to remove the passing lane.

The Planning Board modified Condition 10 to include the review of the driveway, adding a lane, and reviewing the passing lane to be moved past the entrance by NHDOT.

Mr. Culbert asked Mr. Maynard if he would bring this request to NHDOT. Mr. Maynard replied yes.

Reasonable Condition 11. Roofed school bus station in an area approved by the local school bus company.

Mr. Maynard read a letter into the record dated February 1, 2024, from Student Transportation of NH.



February 1, 2024

Mr. William Renaud,

Per our conversation on 1/22/24 regarding your development site at 579 Bridge St. in Pelham, STA does not travel on private roadways in our commercial vehicles. Currently, we do make stops along Bridge St. as long as they can be done door-side and the students can be safely loaded/unloaded to/from the bus. We do not require a covered area for the students to wait at a bus stop, however, we do require the students to stand at least 10 feet from the designated stop so we can safely stop the bus. All bus stops are evaluated to make sure all school bus regulations and STA safety guidelines are followed to ensure it is a safe place for the students to wait for the bus, load/unload, and the driver can clearly see all oncoming traffic in all directions.

Please feel free to contact me if you have any questions.

Sincerely,

Christine Wyatt
Operations Manager
Student Transportation of NH
41 Industrial Park Drive
Pelham, NH 03076
603-589-9205

Mr. Maynard added that NHDOT typically does not allow structures in the right of way. Mr. Maynard provided a sketch where Mr. Renaud could place a small bench for students. Mr. Maynard said the right of way is about 40' back from the edge of the pavement, adding that if it were going to be a covered structure it would need a variance for an additional 40' resulting in a total of 80' into the site. Ms. Takesian asked why they could not place a roof over the bus stop bench area. Mr. Maynard said that once you place a roof over the bench area, it becomes a structure, and you cannot put a structure in the DOT right of way.

Ms. Beauregard confirmed with the Board members that the language on Condition 11 would be changed to *Bench School Bus Station*.

Reasonable Condition 12. Roofed mailbox delivery station in the area approved by the Post Office.

Mr. Maynard read the following memo from the United States Postal Service dated January 23rd, 2024.



January 23, 2024

Dear William Renaud,

I wanted to touch base regarding the Reno Development located on 579 Bridge St. Pelham NH 03076. After looking at the location of the development I am approving the placement of cluster boxes in the main entry of the building. This is both advantageous for the residents and the mail delivery personnel. This agreed upon location is safe for both USPS Personnel and residents of the complex. It will also add an extra layer of security for mail and packages.

Should you require any assistance or have any questions please feel free to reach out.

Sincerely,

Michael Cutuli
Postmaster
United States Postal Service
(603) 881-4201
35 Executive Dr.
Hudson NH 03051



Reasonable Condition 13. Snow storage areas to be shown on the final plan.

Mr. Maynard stated the snow storage areas are on the plan and in addition, there is a note on the plan that when the snow gets to be too much, excess snow would be removed from the property.

Ms. Takesian asked if any snow would be dumped into the wetland areas. Mr. Maynard said no, they have a giant infiltration pond as you enter the property. He said as part of the design there is a four-bay that traps the sediment from the runoff. Mr. Maynard said they increased the four-bay capacity by almost double to allow flows from the drainage system even when there is snow.

Mr. Passamonte asked if the Conservation Commission was okay with putting snow inside the retention pond. Mr. Maynard said they had lengthy conversations with the Conservation Commission about this and they oversized the capacity to satisfy their requirement.

Reasonable Condition 14. Generator sized to run clean solutions septic system pumps, common area electrical systems, and fire pump for hydrants and sprinkler systems.

Reasonable Condition 15. A comprehensive guide approved by the Fire Department and peer review engineering firm

to be placed in the building department file providing details on how and where parking, traffic flow, and fire lanes, will be maintained when the waste disposal areas need to be dug up for repair and/or replacement.

Mr. Maynard said that they would put a report together for this and submit it to both the Fire Department and Mr. Keach for review.

Reasonable Condition 16. The applicant shall submit a performance guarantee, in an amount and form acceptable to the Planning Director, to serve as a financial surety for proper installation and maintenance of erosion and sedimentation controls throughout the duration of construction, as well as site restoration in the event of abandonment.

Mr. Maynard said they understand this requirement and will comply with it.

Reasonable Condition 17. The applicant shall submit escrow funds to the Planning Department, in an amount estimated by the Town Engineer, for reimbursement of costs associated with construction monitoring and inspection services during site plan implementation.

Mr. Maynard said they understand this requirement and will comply with it.

Reasonable Condition 18. The Planning Director shall confirm payment of required municipal impact fees prior to issuance of a certificate of occupancy for the proposed multi-family dwelling.

Mr. Maynard said they understand this requirement and will comply with it.

Reasonable Condition 19. Receipt of a memorandum from Steven Keach, P.E. of Keach-Nordstrom Associates, Inc. acknowledging all technical comments and recommendations offered in his letter report, dated April 05, 2023, have been resolved to his satisfaction.

Mr. Maynard said they understand this requirement and will comply with it.

Mr. Samuel Thomas asked if the generator would be powered by propane. Mr. Renaud said yes. Mr. Thomas asked where the propane tanks would be located. Mr. Renaud explained he spoke about this with Mr. John Hodge who confirmed that propane would be allowed, and the tanks would be allowed to be buried. Mr. Renaud said they would work on these plans with the Fire Department.

Mr. Doherty asked what the building would be heated with. Mr. Renaud said it would be heated with electric heat pumps.

Mr. Culbert asked how many parking spaces they would have. Mr. Maynard said they would have 138 spaces and would have 6 handicapped spaces.

Mr. Montbleau asked Mr. Renaud if they were planning to install any EV charging stations. Mr. Renaud said they are exploring options for EV charging stations and solar options. Mr. Renaud said they have had preliminary conversations with the power company, and they do have the load to handle this.

Mr. Passamonte asked if they could receive site-specific plans once finalized. Mr. Renaud confirmed he would be providing these to Ms. Beauregard.

MOTION: (Passamonte/Montbleau) To apply the conditions to the approved plan.
VOTE: (5-2-0) The motion carried.

BOARD MEMBERS / PLANNING DIRECTOR UPDATES

Mr. Thomas said the Master Plan is complete and the presentation would be on March 18, 2024, in Sherburne Hall at 7 pm. Mr. Thomas announced that it would be open to the public.

Mr. Thomas said they are making progress on the Well Ordinance Committee.

ADJOURNMENT

MOTION: (Montbleau/Culbert) To adjourn the meeting at 8:38 PM.

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

Respectfully submitted,
Heidi Zagorski, Recording Secretary