

APPROVED
TOWN OF PELHAM
EMERGENCY PLANNING BOARD MEETING
January 26, 2017

The Chairman Peter McNamara called the meeting to order at approximately 7:00pm.

The Secretary Paul Dadak called roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Jason Croteau, Joseph Passamonte, Tim Doherty, Alternate Paddy Culbert, Alternate Mike Sherman, Selectmen Representative William McDevitt, Planning Director Jeff Gowan

ABSENT: Alternate Robert Molloy, Alternate Richard Olsen

In accordance with RSA 91-A:2, II, the Planning Board Chair has called an EMERGENCY MEETING to vote on the zoning questions to be recommended for the 2017 Town ballot. Any such recommendations must be to the draft wording made available to the public in advance of the 1/5/2017 public hearing with any substantive changes made at the 1/5/2017 hearing removed since no 2nd public hearing was advertised or held.

Mr. McNamara stated he would temporarily suspend this meeting, recess this meeting on a temporary basis so they (Planning Board members) could consult with counsel.

Mr. Doherty called a point of order. Mr. McNamara replied they would consult with counsel first. Mr. Doherty called for a point of order. Mr. McNamara answered no and stated they would consult. Mr. Doherty stated if there was a point of order on the floor, he must accept a point of order. Mr. McNamara said he didn't, as they were recessed.

The Board members along with Mr. Gowan consulted with Attorney John Ratigan (Town Counsel).

Mr. McNamara reconvened the meeting at approximately 7:37pm. He put on the record the reason the emergency meeting was called. He stated this Planning Board has sought to amend the Zoning Ordinance and the Town Meeting Warrant was going out to the newspapers on January 27th tomorrow, for publication on January 30th, and it's to be posted on January 30th; therefore they needed to have this meeting tonight in order to recommend what, if any Zoning amendments they would send out.

Mr. McNamara stated the Board would vote on the amended articles.

Mr. McNamara took a motion regarding the Sign Ordinance, that we adopt the Sign Ordinance as discussed, as the final form for posting with the Town Clerk. Mr. Gowan wondered if maybe reference to the posting and available to public inspection at an advance of the first public hearing, because that was the language, with non-substantive changes made at, or on the fifth. Mr. McNamara said that was correct and asked if everyone understood the motion. No one voiced a misunderstanding.

Mr. McDevitt moved the motion.

Mr. Dadak seconded the motion.

Voice vote: (6-0-1) Mr. Doherty abstained.

Mr. McNamara brought up the Senior and Elderly Housing Article.

Mr. Doherty made a motion that we do not adopt, approve or recommend Article IX Senior and Elderly Housing or any amendments to this Article that were presented to this Planning Board by its Subcommittee. In addition this motion is to instead revisit through a subcommittee appointed by members of the Pelham Planning Board, Article IX Senior and Elderly Housing, so The Article may be carefully amended and properly vetted through the Public Hearing process and possibly placed on next year's ballot.

Mr. Passamonte seconded the motion.

Mr. Doherty provided typed copies of his motion to the Board. Mr. Gowan provided Attorney Ratigan with a copy of the motion.

Mr. Doherty asked if the second was for discussion or for a vote. Mr. Passamonte stated it was on a vote; he thought that's what the motion was for. Mr. Doherty pointed out the second was not for discussion. Mr. McNamara understood Mr. Doherty didn't want discussion. Mr. Doherty replied he made a motion for a vote and had spelled it out; the second was not for discussion, it was for vote. Mr. McNamara wanted to know if Mr. Passamonte was okay with no discussion. Mr. Passamonte said no discussion.

Show of Hand Vote: In Favor: Mr. Doherty, Mr. Passamonte and Mr. Croteau
In Opposition: Mr. McNamara, Mr. Montbleau, Mr. Dadak and Mr. McDevitt
(3-4-0) Motion failed.

Mr. McNamara took a motion that we adopt the Senior and Elderly Housing Ordinance as we discussed with no revisions. Mr. Gowan referred to the fact as it was posted and available to the public for the first public hearing, less the changes made on January 5th, which were only the elimination of the club house requirement. He didn't know if they had to articulate the minor changes, which were... Mr. McNamara replied there were not any. Mr. McDevitt understood the club house requirement stayed in because that was a substantive change and they couldn't make substantive changes at this point. Mr. McNamara said that was the only change.

Mr. Montbleau made the motion.

Mr. Dadak seconded the motion.

Show of Hand Vote: In Favor: Mr. McNamara, Mr. Montbleau, Mr. Dadak and Mr. McDevitt
In Opposition: Mr. Doherty, Mr. Passamonte and Mr. Croteau
(4-3-0) Motion carried.

Mr. McNamara said the final vote was on Article XII Special Exceptions. He articulated the additions that were made on January 5, that were incidental: 1) 307-74-D to replace the word 'facing' with the word 'on' and 2) to the common wall definition add 'or floor'. He said there would be several deletions and they would go back as he understood to 800SF maximum living area. Mr. Gowan believed it was correct from the advertised first public hearing. Mr. McNamara said they would also leave in the language in 307-74, P regarding home occupations. He believed those were all the deletions and additions to those.

Mr. McNamara took a motion to approve the zoning amendment to Special Exceptions ADU's as discussed with the additions and deletions. He asked Mr. Gowan to provide the language. Mr. Gowan thought the motion should state that the language as it was posted for the first public hearing with the addition of non-substantive changes as described just now by Mr. McNamara. He felt that was adequate and said in terms about recommending on the ballot, it was not something he had any expertise in.

Mr. Doherty made a motion that we do not adopt, approve or recommend Article XII Special Exceptions Section 307-74 Accessory Dwelling Units or any amendments to this Article that were presented to this Planning Board by its Subcommittee. In addition this motion is to instead revisit through subcommittee appointed by members of the Pelham Planning Board, Article XII Special Exceptions Section 307-74 Accessory Dwelling Units, so The Article may be carefully amended and properly vetted through the Public Hearing process and possibly

placed on next year's ballot. He provided a typed copy of the motion to the Board and stated it was a motion for a vote.

Mr. Passamonte seconded the motion.

The Board took a moment to read the motion.

Show of Hand Vote: In Favor: Mr. Doherty, Mr. Passamonte and Mr. Croteau

In Opposition: Mr. McNamara, Mr. Montbleau, Mr. Dadak and Mr. McDevitt

(3-4-0) Motion failed.

Mr. McNamara took a motion to approve the amendments as he previously stated with the additional language that was made by Mr. Gowan. Mr. Gowan said the non-substantive language added at the public hearing. Mr. McNamara said this will be in final form to go to the ballot, recommended to go onto the ballot.

Mr. McDevitt made the motion.

Mr. Montbleau seconded the motion.

Show of Hand Vote: In Favor: Mr. McNamara, Mr. Montbleau, Mr. Dadak and Mr. McDevitt

In Opposition: Mr. Doherty, Mr. Passamonte and Mr. Croteau

(4-3-0) Motion carried.

Mr. Gowan felt it was worth noting that all of the things could be revisited through the process and changed next year, however the Board saw fit to do it. He felt there were good suggestions made at the public hearing and was sorry they weren't able to be considered.

Mr. Passamonte and Mr. Doherty left the meeting.

ADJOURNMENT

MOTION: (Montbleau/Croteau) To adjourn the meeting.

VOTE: (5-0-0) The motion carried.

The meeting was adjourned at approximately 7:49pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary