

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
May 15, 2017

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

The acting Secretary Joseph Passamonte called roll:

PRESENT: Peter McNamara, Roger Montbleau, Tim Doherty, Joseph Passamonte, Jim Bergeron, Selectmen Representative Hal Lynde, Alternate Paddy Culbert, Alternate Mike Sherman, Alternate Richard Olsen, Planning Director Jeff Gowan

ABSENT: Paul Dadak

Mr. McNamara appointed Mr. Culbert to vote.

MINUTES REVIEW

May 1, 2017

MOTION: (Culbert/Montbleau) To approve the May 1, 2017 meeting minutes as amended.

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

OLD BUSINESS

PB Case#PL2017-00003

Map 41 Lot 6-125, 126, 127 & 128

P.J. KEATING COMPANY – 1 & 7 Bridge Street – Proposed Asphalt Plant

Mr. McNamara informed that the applicant requested continuance to the June 19th meeting. They've indicated they need more time for their fire engineer to fully review and provide stamped plans as requested by the Pelham Fire Department. There was no objection.

The plan was date specified to June 19, 2017.

NEW BUSINESS

PB Case#PL2017-00006

Map 41 Lot 10-280

ALASADI, MOHAMED ALI - 30 Bridge Street - Site Plan Review for Change of Use to Operate a Hookah Lounge

Mr. Passamonte read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Alasadi came forward with his friend (interpreter) Reninya Lani to discuss the proposed site plan. Ms. Lani explained they were proposing a hookah lounge with the goal of creating a relaxing atmosphere for family and friends. They will provide games and soft drinks (no alcohol).

Mr. McNamara asked if there was an existing business being moved. Ms. Lani replied it was a new business. Mr. McNamara noted that there was an existing hookah lounge in Town and when that plan came in front of the Board they were concerned with how smoke would be alleviated. He understood that the applicants provided information regarding air filters and asked for an explanation of such. Ms. Lani stated they had done some research and proposed a smoke filter, which would be the most suitable for their project. She explained it would hang from the ceiling and filter in smoke, dirt, etc. Mr. McNamara asked if the materials given to the Board showed the unit that would be installed. Ms. Lani answered yes. Mr. McNamara questioned the square footage of the unit they would occupy within the building. Ms. Lani believed it was approximately 1400SF.

Mr. McNamara asked Mr. Gowan if the plan was ready for acceptance. Mr. Gowan answered yes; it was only a change of use. He asked the applicant to confirm what space within the building they would occupy. Ms. Lani replied they would be in the middle unit, next to a pizza shop.

Mr. Doherty questioned if there was still an apartment within the garage in the back of the building. Mr. Gowan answered no; prior to his tenure Code Enforcement dealt with the situation. He said there could be no apartment. Mr. Doherty wanted to know if the proposal would be an overload to the septic system. Mr. Gowan said there shouldn't be. He said the bathroom would be used like it had been with the previous tenant. He asked how many seats were being proposed. Ms. Lani replied seating would be combined between couches and tables and believed there would be approximately 26-30 people. Mr. Culbert asked how many people were allowed by currently license for full capacity. Ms. Lani believed approximately thirty. Mr. Gowan noted that the applicant still had to meet with the Fire Department to determine the maximum capacity and review if the appropriate alarms etc. were installed.

Mr. Culbert inquired where the smoke system be located. Ms. Lani replied it would be hanging on the ceiling in the main lounge area. On the floor plan, Mr. Culbert saw a nook, and questioned what would be in that area. Ms. Lani replied there would be a fire place. She said they were unsure if they were going to use it or leave it as a decoration. Mr. Culbert questioned if the fire place was one of the Fire Department's purviews. Mr. Gowan stated if the Planning Board approved the Change of Use, the applicant would still need to pull a Building Permit and meet with the Fire Department.

Mr. McNamara asked for the proposed hours of operation. Ms. Lani replied Monday through Friday 4pm-11pm; Saturday and Sunday 5pm-1am/2am. Mr. McNamara questioned how many employees they had. Ms. Lani said there would be Mr. Alasadi and one other person. Mr. McNamara questioned if there was sufficient parking. Mr. Gowan said he was very familiar with the site and a lot of the businesses operate during the day. He felt there was a fair amount of parking. He said at some point parking may be an issue (if all the customers drove separately), but noted there was some parking behind the building. He had never seen the parking filled to capacity.

Mr. Olsen wanted to know if the proposed air cleaner would be sufficient. Ms. Lani explained there was a difference between vapor smoking, which produces quite a lot of smoke, and hookah. She said the proposed smoke filter would filter everything.

Mr. Bergeron inquired if the applicant operated a similar business elsewhere. Ms. Lani answered no. Mr. Bergeron questioned if the State Department of Revenue Administration ('DRA') would be involved because tobacco was a taxed product. Ms. Lani had no information regarding such. Mr. Bergeron suggested having Mr. Gowan research to determine if the other lounges were regulated by the State. Mr. McNamara saw a representative from the other hookah lounge and suggested they speak to the question when the discussion is opened to the public.

Mr. Montbleau questioned if the applicant intended to seek an alcohol license at any point. Ms. Lani answered no; they didn't intend to do so. Mr. Gowan asked if the applicant would sell any retail products. Ms. Lani

answered no; she realized they would need a license if they were to do so, but reiterated they didn't intend to have retail sale.

Mr. Montbleau inquired how the applicant would derive revenue if they weren't serving alcohol. He asked if it would come from serving soft drinks and food. Ms. Lani replied there would be some snacks and soft drinks. She said the Middle Eastern and young community was growing. They smoke hookah, but don't have a nearby place to do so. She explained Mr. Alasadi wanted to create a place that was nearby so he could gather that community. Mr. Gowan understood that a customer would purchase the amount of tobacco they would smoke and would purchase soft drinks and snacks. Ms. Lani said the cost per person would be approximately \$15-\$20 depending on the type of hookah.

PUBLIC INPUT

Ms. Deborah Gibbons, Manager at Singing Bowl Hookah Lounge, and her partner Mr. John Savage came forward to discuss their concerns. Ms. Gibbons noted her business was located less than a mile from the location being discussed by the applicant. She explained the costs associated with the making of a hookah lounge and the fact that she spent \$76,000 on an air system to accommodate hookah and cigar smoking. She noted the State of New Hampshire didn't have a 'hookah' license. She was concerned by the fact that two hookah lounges were shut down in the last three weeks due to gang activity and noted the applicant was proposing a similar type of hookah lounge establishment. Ms. Gibbons discussed the types of licenses issued by the State and stated that the Liquor Commission didn't stand behind hookah lounges. She noted an establishment had to be a cigar bar in order to have a hookah lounge. She added that no food or snacks are allowed with tobacco products. She also informed that the DRA was involved and the owner had to pay taxes on the tobacco they sold. Ms. Gibbons told the Board she spoke to the owner of the building and learned he had no idea about the hookah lounge; the proposal brought to the owner was for a retail tobacco shop. She told the Board if they had any questions regarding air systems or the costs for a hookah lounge she was educated on the matter. She spent approximately \$100,000 on an air system for her building and pays approximately \$15,000 insurance per year. She asked the Board to hold the applicant to the same standards she was held to when opening her business.

Mr. Doherty commented that there was no representative of the property owner present. He was concerned about the septic system loading and parking. He found it odd that the property owner wasn't in attendance to speak. After hearing from Ms. Gibbons, he felt the Board should consider date specifying the hearing to allow time to get additional information from the property owner.

Mr. McNamara asked Mr. Alasadi if he had a rental agreement with the property owner. Mr. Alasadi answered yes. Ms. Lani believed the owner already knew that the business would be a hookah lounge, she wasn't sure if the owner misunderstood the proposal. She said they were pretty sure they told the owner it was going to be a hookah lounge and the owner told them they needed to verify and wait for the Board's decision. Mr. Gowan noted an applicant couldn't come in front of the Board without a signed form from a property owner. He said the property owner had the ability to attend the meeting.

Ms. Gibbons stated when she proposed her lounge, her landlord was present.

Mr. Lynde questioned if cigar smoke was more pervasive than smoke from a hookah. Ms. Gibbons replied filtration was still needed, although cigar smoke was more pungent than hookah. Mr. Lynde didn't understand why the applicant would have to have cigars to have hookah. Ms. Gibbons replied the State didn't have a hookah license. She explained when no licenses were involved, no one would be watching over the business which could be dangerous since hookah involved open flames. She noted the applicant wanted to bring in a younger crowd and felt someone should be overseeing the activities. Mr. McNamara stated the Fire Department would be involved and would have to approve anything before it went forward. He believed the concerns raised by Ms. Gibbons were in regard to a hookah bar, where the applicant seemed to be describing more of a social club that had hookah on the premises. He understood the applicant would not be selling alcohol or have cigars

involved. Mr. Gowan noted when Ms. Gibbons originally came in front of the Board it was solely for a hookah lounge; they later applied for and added alcohol. He agreed that some of the State laws might not apply to the applicant since they weren't serving alcohol or food.

Ms. Lani stated the main goal was to create a social experience for people to sit and relax and serve hookah, not cigars or alcohol. She said it wasn't just for business, it was for gathering people. She understood Ms. Gibbons' concerns.

Mr. Montbleau reviewed the testimony. He said the applicant wanted to set up a hookah lounge for gathering, for which New Hampshire didn't require a license. He understood they would have no cigars or alcohol. Mr. McNamara recalled the applicant saying they had a license and questioned what it was for. Ms. Lani replied Mr. Alasadi was told when he came to the Board he would receive a license to open his business. Mr. Gowan stated the Planning Department would generate a Certificate of Occupancy once all inspections (including Fire Department) had been done. Mr. Montbleau understood that the applicant wanted to open a hookah lounge with no alcohol or cigars. He understood (from the discussion) that no license was needed (from the State) to do so. He questioned if a license was required to sell snacks and soft drinks. Mr. McNamara said it was not known if a license was needed for such. Without a license or control, Mr. Montbleau wanted to know if the proposed use would cause a public health issue. He questioned if there were certain particulates in the air that the proposed system wouldn't handle that could make people be subject to cancer from secondary smoke. Mr. Lynde felt the applicant had a good filtering system and didn't believe there was much coming from the hookah that would be problem. He said the Town had systems in place to review and inspect. Because there was no licensing, Mr. Montbleau wanted feedback from the Health Officer to understand if there was a public health issue.

Mr. Savage discussed the research they'd done when proposing and opening up their business and believed the cost for an air system would cost approximately \$8,000-\$10,000. It cost more because when they approached the Building Inspector (Roland Soucy) he didn't know anything about what system would be appropriate. They were directed to speak with Concord regarding such. He said Mr. Soucy decided to follow the Federal Clean Air Act from the Environmental Protection Agency. Mr. Savage told the Board they spent an enormous amount of money on the air system because they were held to such high standards and no one in the Town knew what to do. He said they had engineers come to the site and they had to change part of the heating system, which was very costly. He felt the applicant should be held to the same standards by the Building Inspector and the Town. Mr. McNamara replied if the Board approved the Change of Use the applicant would go through the same set of procedures and have the same people review and approve.

Mr. Passamonte asked Mr. Savage if their system was a HEPA system. Ms. Gibbons answered yes. Mr. Doherty questioned if the applicant's proposal was for one unit or multiple units. Mr. McNamara asked the applicant if the proposed system would be adequate. Ms. Lani replied they would try to place the unit in the corner so it wouldn't interfere with the circulation and not be an issue. Mr. Doherty wanted to know the height of the ceilings. Ms. Lani explained they were at two different heights; one section was approximately 7ft and the other section was approximately 8ft. In his line of work, Mr. Doherty informed he had wired systems (as proposed by the applicant) and stated they were recommended for 8ft-10ft. ceilings because of the air intake. He didn't feel the ceilings were tall enough for the system to be able to draw the air up and away from human inhabitants. He would like the system reviewed before recommended its use in the facility.

Mr. McNamara said it looks like the Board is seeking more information and didn't know if it was appropriate to get that information before or after approval, since the applicant would need to meet with the Building Inspector and Fire Department. If approved, Mr. Gowan explained the applicant would need to pull a building permit, after which the Building Inspector, Fire Department and other inspectors would begin their review. If any requirement was not met, a Certificate of Occupancy wouldn't be issued, regardless of an approval for Change of Use.

Mr. Montbleau asked the applicant if they had the space engineered for an appropriate system. Ms. Lani answered no; they were told after an approval they would have to speak with the inspectors and an engineer to see which system would work best in the space. Mr. Montbleau wanted to make sure the applicant understood the process. Ms. Lani understood the process and that they would have to do research to see what would work best in the space.

Mr. McNamara closed public input.

MOTION: (Culbert/Passamonte) To approve the Change of Use.

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

ADMINISTRATIVE

Interviews of Planning Board Alternates – potential appointment(s)

Mr. Derek Steele came forward to discuss his application for Planning Board Alternate. Mr. McNamara asked if he had any business interests in the Town or owned any property other than his home. Mr. Steele answered no. Mr. McNamara questioned if he had any affiliations with businesses that work in Town or do business in Town. Mr. Steele answered no.

Mr. Montbleau inquired what type of work Mr. Steele was involved in. Mr. Steele stated he was the Senior Director of and IT reseller in Merrimack. He explained his job responsibilities. Mr. Montbleau asked if he had been on a planning board, land use board or served on any type of board in the past. Mr. Steele answered no. He thought being an alternate member would give him the opportunity to learn the process and get an education for what is involved. Mr. Montbleau inquired what brought Mr. Steele to Town and how long he'd lived in Pelham. Mr. Steele replied he and his fiancé had lived in Town for nearly a year. They previously lived in Manchester and had looked to live closer to the border, family and work.

Mr. Lynde asked Mr. Steele if he had any involvement with community organizations or governments. Mr. Steele answered no.

Mr. Gowan discussed the training opportunities for board members and asked Mr. Steele if he would avail himself to attend. Mr. Steele answered yes. Mr. Doherty questioned if he had ever sat in on any land use board meetings. Mr. Steele answered no; this was the first meeting he had attended. Mr. Doherty asked if he had been involved with any types of board meetings. Mr. Steele discussed a committee he was involved with as part of his job.

Mr. Samuel Thomas came forward to discuss his reasons for applying as a Planning Board alternate. He's been a resident for essentially ten years. As a concerned citizen he'd been involved with the water issues in Town relative to proper water supplies and has been the spokesman for the group of citizens when speaking to the Selectmen. Mr. Thomas discussed his educational, working and volunteer background.

Mr. McNamara asked Mr. Thomas if he owned any real estate in Town, other than his home. Mr. Thomas answered no. Mr. McNamara questioned if he worked, or had any involvement with companies, fiduciary or otherwise that did business in Town. Mr. Thomas answered no.

Mr. Doherty inquired if any of Mr. Thomas' work in the pipeline industry had been field work. Mr. Thomas stated he had worked in the pipeline industry since 1972. He said the three companies listed on his resume were the same company that was purchased and sold. He's been mainly involved with oil, gas and water transmission pipelines that were underground, onshore and offshore. His company manufactured corrosion coatings for the protection of the steel pipelines from corrosion both internal and external. Mr. Culbert questioned if he had ever

worked in the field. Mr. Thomas answered yes and discussed his recent involvement as a consultant with a project being done by Liberty Utilities. Mr. Culbert inquired about an item listed under career responsibilities. Mr. Thomas explained that the Kendall Company was the only industrial manufacturer during the time of the Soviet Union. They were also the largest industrial exporter to the Soviet Union. He explained the manufacturing process and his role at the company during that time period.

Mr. Lynde inquired if he had any involvement with community organizations. Mr. Thomas answered no and explained he had been busy with his career; however, being an Eagle Scout he was involved with the Scouts and working with children when his children were growing up.

For transparency, Mr. Doherty stated when the Kendall Company was purchased by Tyco International his wife was involved with putting the money together to make the purchase. His wife had never met Mr. Thomas, but he wanted to let the Board know in the event members didn't want him to vote during appointments.

Mr. Gowan questioned if Mr. Thomas would be interested in attending workshops and training. Mr. Thomas answered yes.

Mr. Bruce Bilapka came forward to discuss his application as an alternate Planning Board member. He was concerned about the construction around the lake and possible contamination from that construction. He said he resided in Town for approximately fourteen years and being semi-retired was interested in becoming involved.

Mr. McNamara asked Mr. Bilapka if he owned any property in Town other than his home. Mr. Bilapka answered no. Mr. McNamara questioned if he conducted any business or had relationships with those who have businesses in Town. Mr. Bilapka answered no.

Mr. Doherty inquired as to what type of construction experience he had. Mr. Bilapka stated he had been a member of the Carpenter's Union since age 19. He has commercial experience as a worker and a foreman and discussed some of the projects he was involved with.

Mr. Lynde wanted to know Mr. Bilapka's view for managing the remaining buildable property in Town. Mr. Bilapka understood the Town's desire to revitalize the Town center area and agreed with maintaining its character. He said he watched the meetings to stay informed. Mr. Lynde questioned if he had served on any committees. Mr. Bilapka answered no. Mr. Gowan wanted to know if he would be interested in participating in training sessions. Mr. Bilapka answered yes.

The Board thanked the applicants for their interest and encouraged them to stay involved with the Town and the various boards.

The Board discussed how they would proceed with the interview/appointment process. Being a long-standing Board member, Mr. Montbleau discussed the history of the Town and the Board. He discussed how years ago, members would come in from working outside on their farms. There was no planning director and records were kept at member's homes. With the evolution of the Town and Board into the present day, he understood why the applicant's moved to Town and came forward to volunteer.

Mr. Doherty suggested having the applicants attend the next few meetings and come forward during the hearings to comment so the Board could hear their thoughts. Mr. Culbert agreed. Mr. Montbleau suggested having a ballot vote so the gentlemen could join the Board. Mr. Passamonte recalled the Board discussing appointments in non-public session. Mr. Lynde felt the Board could do a ballot vote at the next meeting listing the candidates in 1st, 2nd and 3rd order. Mr. Culbert commented he was at a loss because he had a stroke and couldn't think of anything to add to the conversation at present. He believed he would have question later on and wanted the opportunity to do so. Mr. Lynde proposed voting by ballot at the next regular Board meeting.

The Board agreed they would vote during their meeting of June 5, 2017. Mr. McNamara said if anyone had questions for the applicants they should submit them to Mr. Gowan, who will forward such to the applicants for their response during the June 5th meeting.

Discussion – Modifying Planning Board ByLaws regarding attire worn by members and alternates at meetings

Being a long standing Board member, Mr. Montbleau spoke about the chronology of how the Board had evolved. Years ago Board members were appointed, and now they are elected. He felt elected officials should represent their constituents (and the Town) in a respectful way. He pointed out that the Board dealt with high level business people and representatives from companies such as Tractor Supply, Enterprise Bank, Yarde Metals, Raytheon etc. who had invested millions of dollars into the Town. At the same time he noted they were trying to attract additional businesses into Town. Mr. Montbleau felt Board members should represent themselves in a business fashion and proposed they wear business casual through the summer months, and business attire through the winter months. He understood the Board wasn't used to what he was bringing forward. He spoke of his experiences meeting with industry professionals and other businessmen, and commented during those occasions people dressed in business attire and followed the slight formality (of dressing respectfully). He felt the Board owed it to the people that elected them to 'look' like they were conducting business when they were meeting with business people coming in front of them.

Mr. Montbleau provided the members and alternates with a proposed amendment to the Board's By Laws regarding attire worn during meetings. He asked for further discussion and consideration at their next meeting.

Mr. McNamara stated the Board would include an action item on their June 5th agenda. Mr. Montbleau asked that the Board have a motion and vote during that meeting.

On a separate topic, Mr. Lynde informed the Board that the Selectmen had appointed Bill McDevitt as the Alternate Selectmen Representative.

DATE SPECIFIED PLAN(S) – June 19, 2017

PB Case#PL2017-00003 - Map 41 Lot 6-125, 126, 127 & 128 - P.J. KEATING COMPANY – 1 & 7 Bridge Street

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:25pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary