

1 APPROVED
2 BOARD OF SELECTMEN – MEETING MINUTES
3 April 12, 2022
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5 CALL TO ORDER – Chairman Corbett called the meeting to order at approximately 6:30 pm.
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7 PRESENT: Jaie Bergeron, Heather Corbett, Kevin Cote, Jason Croteau, Charlene Takesian, Interim
8 Town Administrator Joe Roark
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11 PLEDGE OF ALLEGIANCE
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14 MINUTES REVIEW:
15

16 April 5, 2022
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18 MOTION: (Cote/Croteau) To approve the April 5, 2022 meeting minutes as written.
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20 VOTE: (5-0-0) The motion carried.
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24 OPEN FORUM:
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26 Kimberly Abare, a resident of Pelham, came forward to advise the board before she files and announces
27 she'll be running for state rep. She assured the board of her commitment as a state representation to run
28 advocacy from Pelham to Concord and back. She will commit to being here if asked to be. She said she is
29 a person of her word. Her intention is to hold monthly office hours in town hall for her constituents to be
30 able to easily reach her in person and speak with her. Ms. Abare said she vows to attend all committee
31 meetings she signs up for in Concord. She believes the future is uncertain for small town like Pelham, with
32 the announcement of a 2 million square foot facility going in in Hudson, which will change the landscape
33 in Pelham. Workforce housing will continue to be an issue as more bills are in front of it. Ms. Abare said
34 she is following a lot of bills and meeting people even though she is not currently a state rep. She wants to
35 be able to hit the ground running when elected. Ms. Abare said water will continue to be an issue with
36 wells not being enough. She met with Senator Morse and there is a bill coming in with federal money, but
37 she is unaware what ties there are to it yet. She views it as her responsibility to bring as much info to the
38 board as a state rep and make sure they are informed at a local level to be able to make decisions. Ms.
39 Abare said she doesn't intend to get involved in local issues. She will be referring constituents to the BOS
40 for local issues. She said she is trying to tie up MTBE issues and has lined up a phone call with the town
41 administrator. Ms. Abare noted her website up and running, www.kimberlyabare.com.
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43 There were no questions from the board.
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46 APPOINTMENTS:
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48 THE APPOINTMENT OF JEFF GOWAN AS NRPC REPRESENTATIVE VOLUNTEER POSITION.
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50 Jeff Gowan welcomed the new board members. He said this position seemed like an appropriate way to
51 keep his hand in with planning. He noted he has worked with the last six to eight executive directors of

52 NRPC over the last 25 years. He said he is happy to help out. It consists of four quarterly meetings and a
53 few events. The idea is to have coverage and back up other commissioners. Mr. Gowan said he is looking
54 forward to serving a term.

55
56 Chairman Corbett confirmed it is a three-year term. She noted Mr. Gowan is here at the request of the
57 planning board and she feels he is a very good choice.

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59 **MOTION:** (Cote/Croteau) To appoint Mr. Gowan.

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

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64 **REVIEW OF THE BOARD OF SELECTMEN BYLAWS.**

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66 Chairman Corbett confirmed everyone received a copy of the proposed bylaws. There was discussion
67 amongst the board on changes to be made.

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69 Ms. Takesian asked if corrections would be made, and they would be able to review it again. Chairman
70 Corbett confirmed the changes will be made and the board will revisit this at the next meeting and see if
71 any further action is necessary.

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73
74 ****The board took some agenda items out of order as they were waiting for Mr. Johnson to arrive for his
75 appointment.****

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78 **DISCUSSION:**

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80 **OHRV ADVISORY COMMITTEE POSTING.**

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82 Chairman Corbett noted they had posted last week for volunteers.

83
84 Mr. Croteau asked if there were any applicants yet, which Chief Roark was not 100% positive of.

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86 Mr. Croteau explained they are looking for two members of the public, either for or against the use of
87 OHRVs on town property. There will be public meetings once a month with recorded minutes. Forestry
88 and conservation will have volunteers on the five-member board.

89
90 Mr. Bergeron said the deadline for applications is April 22. Mr. Croteau said the interviews will be on May
91 10.

92
93 Chairman Corbett noted applications are available in the selectman's office or online.

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96 **SELECTMEN/TOWN ADMINSTRATOR REPORTS**

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98 **Mr. Croteau** said this has been the best week so far of being a selectman.

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100 **Ms. Takesian** concurred with Mr. Croteau. She said she attended the Council on Aging meeting. They
101 have started clearing for pickleball courts. They are looking for donations, which came be made through
102 the Hobbs Senior Center to the Council on Aging. Their pavilion is finished, and they are having a grand

103 opening June 23. They will start running cornhole tournaments. The community thrift store at the Hobbs
104 Senior Center accepts donations of items by appointment. This is a way of funding programs for the
105 Council on Aging. It is believed they don't accept electronics or larger items like furniture. The Council
106 on Aging brought up they would be bringing a social worker back on their budget again this year to help
107 older citizens. She noted there are a couple of large housing units on Windham Road with people that
108 might not have originated in Pelham and may need help and direction on how to navigate through their
109 senior years in town.

110
111 **Mr. Bergeron** nothing to report.

112
113 **Chairman Corbett** said Beaver Valley once again has chicks coming in. She asked people to consider
114 donating their surplus of eggs to the Pelham Food Pantry. Chairman Corbett mentioned she would make
115 sure to drop off eggs when someone was there. People can get in contact with the food pantry to ensure
116 someone is there to accept them.

117
118 Chairman Corbett recognized the passing of Mr. Leonard, a storied community member, businessman and
119 a fixture of life in town. She extended the board's sympathies and heartfelt condolences to the Leonard
120 Family.

121
122 **Chief Roark, interim Town Administrator** had nothing to report. He concurred it has been a good
123 week.

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126 The board took a break from approximately 7:10 to 7:18.

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129 **APPOINTMENTS (continued):**

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131 **BRIAN JOHNSON AND PELHAM BASEBALL: PROPOSAL OF TWO NEW T-BALL FIELDS.**

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133 Brian Johnson, Parks and Rec director, Scott Paquette, president of Pelham Baseball, and Eric Ducharme,
134 vice president of Pelham Baseball came forward.

135
136 Mr. Paquette explained there is a wide-open area behind the major's field. They are proposing a couple of
137 t-ball fields. He said the younger kids currently play on the football field. He feels t-ball isn't part of the
138 program as they are situated too far away from the baseball fields. There is roughly a 90' x 150' area and
139 they can fit two fields and parking. They are looking to give the young kids real baseball fields.

140
141 Mr. Johnson added they are looking to give them a special place that looks like a baseball diamond and
142 help make it feel like a baseball event.

143
144 Mr. Paquette mentioned this is all privately funded, labor and material, at no cost to the town.

145
146 Chairman Corbett said as someone who coached t-ball, this will go a long way in helping foster a passion
147 for baseball in town again.

148
149 Mr. Cote asked if there were any issues with the deed with Muldoon. Mr. Johnson said there were not, as
150 long as it is used for outdoor recreation and recreation of residents.

151
152 Mr. Cote asked if there were any issue with wetlands. Mr. Johnson said they are well away from the
153 wetlands.

154

155 Ms. Takesian asked if parking will be an issue. Mr. Johnson said there is room for approximately 15
156 additional spots. There is enough parking behind the majors' fields. Most of the time, there is plenty of
157 parking, it just might not be ideal to people as they need to park a little further away. People already there
158 for the program.

159

160 Chairman Corbett asked if there would be benches. Mr. Johnson said there would. They want to make a
161 special field for the t-ball kids.

162

163 Chairman Corbett requested an on-deck circle for the kids to know where to stand. Mr. Paquette said that
164 will definitely be included.

165

166 Mr. Cote confirmed this would be located off of Coach's Way, which runs off of Nashua Road. Mr. Johnson
167 confirmed and said it will be just beyond the outfield fence of the majors' field.

168

169 Mr. Croteau read the Muldoon will into the record, which says that fields or anything that deals with
170 recreation can be added within the jurisdiction of the land.

171

172 Chairman Corbett thanked the gentleman.

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175 **SELECTMEN/TOWN ADMINSTRATOR REPORTS (continued):**

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178 **Mr. Cote** asked if Chief Roark wanted to add anything about the trash RFP.

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180 Chief Roark said it was issued on March 24. It is requesting two proposals, one for somebody coming to
181 pick up the trash and take it away to the landfill or for processing or the second for the acceptance of our
182 trash with us trucking it. The closing date is April 29. We haven't received any bids as of yet. Waste
183 Management provided some questions and Rhonda from transfer station answered the questions in
184 writing. Chief Roark said we are waiting to see what comes in.

185

186 Chairman Corbett asked Chief Roark to clarify option A. She asked if it mentioned the transfer station
187 and other properties. Chief Roark reread the section and explained it includes barrels at various town
188 locations, parks, etc. Mr. Cote said he believed there were a couple dumpsters as well. Chief Roark said
189 he hasn't looked at the specifics but there are numerous locations named.

190

191 Chairman Corbett asked if there was trash at trailheads. Chief Roark said he believes those locations are
192 bring in and bring out.

193

194 Mr. Cote asked if Chief Roark has reached out to Rhonda at all to see if she has reached out to the current
195 vendor? He finds it odd that they haven't reach out. Chief Roark said he would get in touch with
196 Rhonda. He explained that just because we haven't heard, doesn't mean they're not interested as they
197 have until April 29.

198

199 **Mr. Cote** said he wanted to bring to the board an issue in regard to zoning variances that were handed out
200 at the March meeting. This is in regard to two properties on South Shore Road and one on Little Island
201 Park. He explained lots in this area are all small lots, all in the WCD, and a lot are right on the water
202 which presents issues. Mr. Cote said the zoning board does the best they can. There are many properties
203 where the property lines are unknown and/or the deeds contradict each other. The ZBA has a lot of issues
204 to look at. In regard to these three properties, Mr. Cote is looking for the board to possibly ask for a

205 rehearing. He explained in two cases, they can ask for a rehearing. One has already been reheard and
206 they would have to apply to superior court for an appeal.

207
208 With regard to 2 Little Island Park, the homeowner is putting up garage. The current lot is 1600 square
209 feet, .14 acres. They currently have a house and got a variance to add a second floor. They are looking to
210 add a large garage also, which would have a lot of concrete, would affect the ground water and could
211 affect the way the water moves at the pond. Mr. Cote said he believes it might be worth appealing but
212 can't find anything in regard to why it could be appealed except the hardship. He explained
213 nonconforming lots predate zoning. These lots are less than an acre but existed before our zoning
214 adopted. The nonconforming lot size is not a hardship. He said that you can't use hardship to grant the
215 garage because they had a hardship of size and setback because the lot is nonconforming. Mr. Cote
216 mentioned the case of Crosby versus Pelham. He said if they appealed to superior court, they would be
217 looking at one, does the nonconfining size create a hardship, which it has already been ruled on that it
218 does not, the second is whether adding the garage would create a nuisance to the neighborhood with extra
219 water because they are changing how water moves.

220
221 Mr. Cote said what is more concerning to him is 81 South Shore Road and 80 South Shore Road. #80
222 doesn't currently have a structure on it. He said the ZBA didn't discuss if the lot has any vested rights.
223 Before zoning, the lot was just carved up. It didn't have a structure. Where the lots are small and
224 nonconforming, they might not have a vested right to build on it. Mr. Cote doesn't believe the ZBA
225 talked about vested rights. He explained that because there's no house currently and it's a private road,
226 they would have to come to the BOS for a building permit. Mr. Cote said a few meetings ago, the ZBA
227 said the ZBA does not do planning, but by giving the variance, they are doing planning. He explained
228 that by looking at the lots, giving an example of the potential for seven lots on an acre with seven septic
229 systems. He explained a normal house is required to have an acre for one septic and a well. By adding
230 this lot, the ZBA is getting involved in planning. They are affecting other people's wells, the ground
231 water aquaphors. Mr. Cote said the ZBA is not accepting what the town deems as good planning, one
232 acre for one house, one septic, on well. In his opinion, this creates a public nuisance. He said he has to
233 questions in regard to #80. One, is there a vested right for that piece of property to have a house, second,
234 the size of the lot and variances doesn't create an unnecessary hardship and third, there is a public,
235 environmental nuisance.

236
237 In regard to #81, Mr. Cote believes they are taking the house and tearing it down and rebuilding in a
238 different footprint, which is he disappointed in. He felt they would have made them build in the same
239 footprint. He explained the meeting discussed the Shoreland Protection Act. He said as an arborist, he
240 needs to jump through hoops to take a tree down, but they are saying they can easily build a house, install
241 a septic system and well on 6,000 square feet. He spoke about a seasonal stream in his yard and being
242 told there is a 50-foot set back on either side if the seasonal stream and therefore he can't put woodchips
243 in the woods.

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245 Chairman Corbett asked Mr. Cote to confirm what he was asking the board to do.

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247 Mr. Cote explained that tomorrow is the appeal deadline. Chairman Corbett said there was plenty time to
248 write a letter. Chairman Corbett asked Mr. Cote exactly what he is asking for. Which Mr. Cote said for
249 the ZBA to rehear 81 and 80 South Shore Road. Mr. Cote said he believes the board has to go to the
250 planning department and request a rehearing.

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252 Chairman Corbett felt they needed to have a motion, airing on the side of caution.

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254 **MOTION:** (Cote/Takesian) For the BOS to request a rehearing for the ZBA for the 80 and
255 81 South Shore Rod Cases.

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

Mr. Bergeron added, for the public, that the planning board did not support the project. Mr. Cote said the planning board recommend the BOS does not issue a building permit for #80 South Shore Road, the empty lot. Mr. Cote said the reason for rehearing for #81, is they didn't discuss public nuisance. Chairman Corbett explained there was a feeling things weren't taken into consideration and they would like them to take another look at them.

Mr. Croteau asked what Mr. Cote wanted to do about 2 Little Island Park. Mr. Cote said would have to appeal at a different level and doesn't think the time is there so he will yield the case.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Cote/Croteau) Request for a non-public session per RSA 91-A:3, II, (D).

ROLL CALL VOTE:

- Mr. Croteau - yes
- Ms. Takesian – yes
- Mr. Cote – yes
- Mr. Bergeron – yes
- Ms. Corbett - yes

(5-0-0) The motion carried.

It was noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to seal the minutes of the non-public session and to adjourn the meeting. The Board entered a non-public session at approximately 8:05 p.m.

ADJOURNMENT

Respectfully submitted,
Jill Atkinson
Recording Secretary