



49 Road Area Temporary Growth Management Ordinance in respects to the appealing and  
50 exemption of applicants.

51  
52 The Sherburne Road Area Temporary Growth Management Ordinance is enacted pursuant to the  
53 authority granted under New Hampshire RSA 674:23. This ordinance was created to temporarily  
54 limit the issuance of building permits for new buildings and to impose a moratorium on proposed  
55 subdivision and site plan applications to promote and ensure the orderly development of land on  
56 roads in the Sherburne Road area in the Town of Pelham. This land includes the following  
57 properties: map 39 lot 1-103, to include Scenic View Drive and all lots on maps 32 and 38. The  
58 purpose of this ordinance is to promote public health and safety. Ms. Masse-Quinn explained that  
59 this ordinance will provide the Pelham Water Commission with adequate time to research and  
60 provide discoveries and solutions on water issues in the Sherburne Road area. She added that this  
61 will also ensure that the existing and future populations of the Town of Pelham will have  
62 essential clean water. According to the 2022 Water Survey, many roads in the Sherburne Road  
63 area have reported running out of water, contaminated water and having more than one private  
64 well drilled with fracking or have no water at all.

65  
66 Ms. Masse-Quinn explained that if this ordinance is passed, the Planning Board will not formally  
67 accept or act upon any site plan applications for land on or roads off of the Sherburne Road area  
68 in the Town of Pelham. This includes residential housing, duplex housing, multifamily housing,  
69 apartments, condominiums or any minor or major subdivision applications as defined within the  
70 zoning ordinance until the expiration date of this temporary ordinance or upon demonstration  
71 that any such land has suitable municipal water or Pennichuck water supply is made available.

72  
73 The interim ordinance will remain in effect for 365 days from the date of enactment. The Town  
74 of Pelham Planning Board may appeal this temporary ordinance sooner than the expiration date  
75 if, in its judgment and after appropriate public hearings, the usual circumstances require this  
76 enactment no longer apply and the appeal is justified by suitable water supply. Ms. Masse-Quinn  
77 went on to explain that the provisions of this ordinance will apply to all properties within the  
78 Sherburne Road area, unless the property owner can demonstrate that their property has access to  
79 a fully suitable public water supply source.

80  
81 Pursuant to RSA 674:23, the Pelham Planning Board finds that the legislative body of Pelham  
82 should adopt an ordinance that establishes a moratorium on the issuance of building permits for  
83 new single family residential housing, duplex housing, multifamily housing, apartments,  
84 condominiums or any minor or major subdivision applications as defined within the zoning  
85 ordinance for a period of one year within the Sherburne Road area within the Town of Pelham.

86  
87 Ms. Masse-Quinn then went over the 2022 Pelham Water Survey submissions. She explained  
88 that there were a large number of submissions from the Sherburne Road area where homes with  
89 private wells reported having little to no water, poor water quality, fracking, and poor water  
90 pressure. She stated that one family has been displaced due to having no water available.

91  
92 Ms. Masse-Quinn explained how the Town's Master Plan plays a role in this ordinance. She  
93 explained how the Master Plan from 2002 highlighted protecting the quantity and quality of the  
94 Town's water resources. In the 2002 Master Plan it also states that if local officials deem it  
95 necessary, they may restrict some building practices in Town to protect the water resources.  
96 These actions are imposed to protect the public health and safety.

97  
98 Mr. Bergeron asked Ms. Masse-Quinn to provide an example of what they consider to be  
99 “suitable water” for an exemption to the ordinance. Ms. Masse-Quinn stated that she does not  
100 want to speak for the entirety of the Planning Board, but applicants will be able to come in front  
101 of the Planning Board and then it is up to the Planning Board’s discretion to make a decision.  
102

103 Mr. Bergeron also asked if the resident’s water issue complaints happened around the same time  
104 or if it was over a long period of time. Ms. Masse-Quinn explained that she found complaints  
105 dating back to 2013 when she was conducting her research.  
106

107 Chairwoman Corbett asked if the water survey has been completed or if it is still going. Ms.  
108 Masse-Quinn stated that it has been concluded. Ms. Abare, from the Water Commission, also  
109 confirmed that it had been completed.  
110

111 Ed Rosamilio of 44 Keyes Hill Road asked if the moratorium was for one year. Chairwoman  
112 Corbett confirmed that it is for one year. He then asked if they would vote again to extend the  
113 moratorium after the first year is over or if it automatically goes away. He also asked what  
114 happens if the issue is still present after the year is over. Mr. Cote stated that there is just a  
115 temporary one-year moratorium on the area since they are currently doing studies on the water  
116 issues in the area. He added that if any issues are found once the study results come back the idea  
117 is that they will help to come up with a plan to address the issues, this may cause the moratorium  
118 to be extended if necessary.  
119

120 Christine Kamal of 3 Renee Lane explained that she is a concerned resident who has provided  
121 data for the water survey. She stated that she found information on the New Hampshire Water  
122 Well Inventory website. She also referenced the Town of Pelham’s well ordinance. She also  
123 looked at data from the 70 wells that were driven in the Sherburne Road area. Out of the 70 wells  
124 that were driven, only 14 produced the State recommended 4 gallons or more per minute. 49 of  
125 the wells produced less than or equal to 2.5 gallons per minute. 36 of the wells produced less  
126 than or equal to 1 gallon per minute. Ms. Kamal went on to explain other instances in Town  
127 where residents’ wells have produced little to no water even after continuous digging. She also  
128 discovered that residents were digging further down into their wells and not reporting it, even  
129 though the State requires all digging to be reported even if it is in the same spot.  
130

131 Christina Milward of 20 Nicholas Lane approached the Board to explain the living situation on  
132 Nicholas Lane due to the water issues. She explained that two new homes were just built next to  
133 hers and that the new development, Chardonnay Road, is right behind her home. Since these new  
134 homes and development was built, she is no longer able to do laundry in her own home. She also  
135 stated that her family of four cannot all shower on the same day due to the lack of water  
136 available and she is only able to run her dishwasher every other day. She added that her  
137 neighbors have been completely displaced from their home since their well ran dry. Other  
138 neighbors have tried putting in a second well, but it is still not producing enough water.  
139

140 Aaron Orso is a developer from DHB Homes who is proposing a new development at 243  
141 Sherburne Road. He explained that he is well aware of the water issues going on in the area. He  
142 stated that he has been working with the Water Commission and he has come up with a solution  
143 for the water issues. He stated that if in March the Town of Dracut votes in favor of the 300,000  
144 gallons of water being sold to Pelham, he offered to fund the cost of running that water line from

145 Mammoth Road up to Sherburne Road through his development, put a stub in front of  
146 Chardonnay Road and run the water line through Nicholas Lane and Marie Avenue. He  
147 explained that the Planning Board told him if he was able to bring more water to this area that he  
148 would be able to build his development on Sherburne Road. He added that he will be following  
149 the State of New Hampshire's lot load calculations and has already completed the soil testing  
150 and wetland studies. He also stated that out of the 59 homes he is proposing on this property, he  
151 is attaching a betterment fee that will be payable to the Town and can fund helping to fix the  
152 Town's water issues. These fees will total around \$314,000.00 and will come as he closes each  
153 individual home.

154

155 Rick Galupo of 15 Aspen Drive stated that he is in favor of a moratorium at this time as he has  
156 had many problems with water for years. He believes adding any more developments in the area  
157 would be irresponsible until the issues are solved. He added that he thinks the Town is  
158 responsible for fixing the issues and should fund the costs.

159

160 Mike Sherman of 103 Old Bridge Street stated that there is currently no zoning for the proposed  
161 development. He explained that if the builder from DHB Homes wants to use the open space it  
162 would require him to use 40% of the acreage to be open. He added that the Planning Board  
163 would have to waive all of the lot sizes and open space to allow the builder to complete his  
164 proposed development, which he does not think is right. The builder's proposed development is  
165 54 houses on 30 acres, which is about 2/5ths of an acre per house after roads and infrastructure is  
166 put in.

167

168 Roger Montbleau of 44 Spaulding Hill Road stated that he is the trustee of his parents' property  
169 on Spaulding Hill Road, which falls under Map 32. He stated that he is not opposed to bringing  
170 the water up there, however, he has concerns about the issue and is looking out for his parent's  
171 property. He went on to explain that if this moratorium is under RSA 674:23, that means it must  
172 become a warrant article before it is passed based to the legislation. He also added that 41:14-B  
173 states that Selectmen can create ordinances but are not able to amend zoning ordinances. He  
174 stated that he does not understand why his property is subject to moratorium when no type of  
175 water study was done on his specific property. He also added that no Planning Board or Water  
176 Commission meeting minutes ever discuss every property in the area having water issues. Mr.  
177 Montbleau also submitted a report from a licensed hydrologist who stated that there is a lot of  
178 water in the area where his home is, and it would be able to handle another proposed subdivision.  
179 He does not think all of Map 32 has issues and believes that in the ordinance they should state  
180 which homes or areas have exemptions from the moratorium since not every home or area is  
181 having the same water issues.

182

183 Chairwoman Corbett noted that the Town adopted RSA 41:14-B via article 21 of the 2017 Town  
184 Meeting Warrant, meaning that the Selectmen are authorized to establish or amend Town  
185 ordinances or codes if they are not zoning or historical ordinances. However, this moratorium is  
186 not being treated as a zoning ordinance amendment, so the Selectmen can adopt it per the  
187 procedure in RSA 41:143-B. After the second public hearing Selectmen have to wait at least 10  
188 days but no more than 21 days to adopt such an ordinance as required by RSA 41:14-B.

189

190 Mr. Jim Bergeron is a member of the Planning Board. He went on to explain that in order for the  
191 builder to carry out his plan of funding the water lines from Dracut, there are legal conditions  
192 that if to be present in the zoning ordinances that are not currently there. Currently, there is no

193 ability to do density offsets to that degree in the Sherburne Road area. He added that he believes  
194 there will be a few warrant articles in the next year or so regarding the water issues. First, there  
195 will probably be a warrant article regarding density offsets being included in the zoning laws  
196 again. Secondly, a warrant article to pay for bringing water to the area once a plan and cost are  
197 established. He added that if they adopt the ordinance, they can finally work on finding a  
198 solution to the water issues in the area.

199  
200 Chairwoman Corbett stated that a letter was submitted from Mr. Slattery who is a resident in  
201 Town in support of the moratorium. She stated that the Board will make sure to read it and take it  
202 into consideration.

203  
204 Mr. Galupo came before the Board again to state that he thinks the zoning rules are in place for a  
205 reason and it would be difficult to change such zoning ordinances, which he believes is a good  
206 thing. He added that the plan that DHB Homes has offered to the Town would leave the Town  
207 obligated to let him build the 54-home development and change the zoning ordinances. He does  
208 not think that plan is a good idea.

209  
210 Chairwoman Corbett closed discussion from the public and opened it back up to the Board of  
211 Selectmen.

212  
213 Mr. Cote stated that he thinks the Board should get further legal advice about the moratorium  
214 before making any comments. Chairwoman Corbett added that they can wait and discuss it in the  
215 second public hearing and can use the next two weeks to gather more information and legal  
216 advice if they want to.

217  
218 Ms. Takesian stated that she believes there are a lot of other issues besides just getting a water  
219 line up Sherburne Road. She added that she thinks there are franchise, building and water  
220 department issues as well that need to be taken into consideration. She believes that the yearlong  
221 moratorium is necessary to help address all the issues.

222  
223 Mr. Croteau added that the public has been complaining about water issues since the  
224 development on Skyview Drive went in. He does not think it is fair that residents are going  
225 through these issues and being displaced from their homes. He stated that even if this  
226 moratorium is not possible due to legal issues, something needs to be done.

227  
228 Chairwoman Corbett closed the public hearing.

229  
230  
231 **Joe Maynard, Benchmark Engineering: Applicant, Pultar, Lisa and Shawn, seeking Board**  
232 **of Selectmen approval to allow a building permit on private road – Map 24, Lots 12-75**

233  
234 Mr. Maynard stated that Ms. Pultar's family has owned land on Little Island Park for 80 years  
235 now. Both of her brothers live on lots next to the property. They received a variance last year to  
236 allow for construction on a single-family home on this piece of property. They then went before  
237 the Planning Board to allow construction on a private road. He went to Highway Safety that  
238 morning as the last step before going before the Board of Selectmen to get permission to build on  
239 the private road. He added that the lot has already received State septic approval and all other  
240 necessary permits.

241  
242 Mr. Cote stated that this came before the Planning Board and there were no issues and that the  
243 Planning Board recommended that the Board of Selectmen accept this application.

244  
245 Chairwoman Corbett asked if there was anyone from the public who would like to speak on this.  
246 No one came forward.

247  
248 Ms. Takesian stated that the reason that the Board of Adjustment supported allowing this  
249 building is because the Town owns much of the abutting property, making it unlikely that the  
250 surrounding property will ever be developed. It is unlikely this area will be overcrowded.

251  
252  
253 **MOTION:** (Croteau/Bergeron) To approve the building permit on private road – Map 24,  
254 Lots 12-75.

255  
256 **VOTE:** (5-0-0) The motion carried.

257  
258  
259 **Linda Newcomb, Town Clerk: Poll pad funding request**

260  
261 Ms. Newcomb stated that they are looking for funding to purchase 12 poll pads. The quote they  
262 received is from LHS and it is for 12 pads and printers, which includes training and support for  
263 one year. This quote is for \$20,650.00. The poll pads are the checklists on the iPad to check  
264 voters in at the polls so they do not have to wait in line. They can also process absentee ballots,  
265 which takes a long time when you have to wait in line. She added that once the voter goes to the  
266 poll book, their drivers license will be scanned, their name will come up on the poll pad, the  
267 ballot clerk will verify who the person is and a ticket will be printed out that acts as a receipt and  
268 the voter will use the receipt to be given a ballot. The tickets will be kept alphabetically since  
269 they still have to keep a paper check list. She also has a letter from the Secretary of State with  
270 permission to use the poll pads. She explained that Mr. Demers has been helping her get the Wi-  
271 Fi more secure, which costs \$1,921.00. The total amount of funding she is looking for is  
272 \$22,571.00. She added that many other Towns in the area are using these. They were talking to  
273 the Town Clerk in Londonderry, where they have been using these for 5 years, and they are very  
274 pleased with the poll pads.

275  
276 Ms. Takesian asked Town Administrator Roark why she needed to come before the Board of  
277 Selectmen to get approval for this. Town Administrator Roark explained that this is not in the  
278 Town Clerk's budget, and she is looking to fund it through another source like the American  
279 Recovery Fund.

280  
281 Chairwoman Corbett asked what the average lifespan is for one of the poll pads. Ms. Newcomb  
282 stated that she believes it is about 6 years.

283  
284 Ms. Takesian asked if there was an ongoing cost of about \$3,600.00 a year. Ms. Newcomb  
285 confirmed that this was correct, and she would put this ongoing cost into her 2024 budget. She  
286 added that there are four elections next year, so she would like to try and have it in place for the  
287 March election this year so they can do a trial run and work out any issues before all of the  
288 elections next year.

289  
290 Chairwoman Corbett asked if there are accommodations for those unable to use the technology.  
291 Ms. Newcomb explained that the poll worker will be helping everyone check in using the poll  
292 pads. She also added that if someone does not want their drivers license scanned you can just put  
293 in the first 3 letters of the first and last name and it will pull their information up.

294  
295 Mr. Cote asked if they have authorization to use funds from the American Recovery Fund for the  
296 poll pads. Town Administrator Roark stated that the Town's Finance Director confirmed this  
297 would be acceptable.

298  
299 Town Administrator Roark asked Ms. Newcomb if this vendor was approved by the State. Ms.  
300 Newcomb explained that no vendor has been officially approved by the State but this system is  
301 being used by many Towns in New Hampshire, and that is why she got the approval letter from  
302 the Secretary of State. She also added that this is why they will be keeping a paper copy of the  
303 check list as well.

304  
305 Ms. Newcomb stated that there will be training prior to the first election, and that the support  
306 team will be present when the polls first open, and then will be available via telephone all  
307 throughout election day.

308  
309 Ms. Takesian asked what the plan was if the systems went down. Ms. Newcomb explained that  
310 they have 30 minutes to get the paper checklist set up for the voters.

311  
312  
313 **MOTION:** (Cote/Takesian) To expend \$22,571.00 from the American Recovery Funds to  
314 purchase 12 poll pads.

315  
316 **VOTE:** (5-0-0) The motion carried.

317  
318  
319 **Jim Hoffman, Highway Department: Acceptance of 2023 bid recommendations**

320  
321 Mr. Hoffman stated that he put out the bid for the Catch Basin in case the new truck does not  
322 come in on time, as production is still moving slow. The bid went to New England Storm Water  
323 Management. The equipment rental bid went to Richard D. Vinal Trucking. The sand bid went to  
324 Brox Industries. The concrete blocks bid went to Hudson Quarry. The hot top cold patch bid  
325 went to Brox Industries. The calcium chloride bid went to Perk Products & Chemical Company.  
326 The aggregates bid went to Brox Industries. The bid for the plow blades is still being decided on  
327 because the bids they received are still higher than a local New Hampshire vendor who delivers  
328 for free. The tree removal bid went to Maple Leaf Tree Services. The culvert pipe bid went to  
329 Ferguson. The street sweeping bid went to Immaculate. The bid for sign related items went to  
330 Lightle Enterprise. The bid to paint traffic lines went to K5 Corporation.

331  
332 Mr. Hoffman assured the Board that all of these were put out to bid and these were all of the  
333 lowest bids.

334  
335

**336 Kimberly Abare, Water Commission: Water supply infrastructure discussion**

337

338 Ms. Abare, the Water Commission Chair, and Mr. Thomas, from the Water Commission,  
339 approached the Board with a slideshow presentation. Mr. Thomas stated that the Water  
340 Commission developed a mission statement: identify and address water quality and quantity of  
341 water sourcing and delivery within the Town of Pelham and formulate a map. Mr. Thomas also  
342 explained the Water Commission's objectives, including developing a plan to address water  
343 issues within the areas experiencing water problems. He also explained how the Water  
344 Commission is an independent Board with its own authority and autonomy, however, all final  
345 decisions will need to be approved by the Budget Committee and the Board of Selectmen.

346

347 So far, the Water Commission has launched a feasibility study with Weston and Sampson to  
348 determine the next steps in addressing the Town's water issues. They are currently negotiating a  
349 contract with Dracut to purchase 300,000 gallons of water per day for up to 30 years. Mr.  
350 Thomas went on to explain the current plan for funding and installing the water lines in the areas  
351 if the Dracut contract is approved. He also talked about the current pending Warrant Articles the  
352 Water Commission has. The Warrant Articles are to expand the jurisdiction of the Water  
353 Commission to Town limits and to add alternate positions to the Water Commission.

354

355 Mr. Thomas asked the Board if they think the Water Commission should keep Pennichuck's  
356 franchise in place. He explained that, in the short term, someone needs to own the water lines,  
357 either Pennichuck or Pelham. He added that Pennichuck will give up the franchise on Sherburne  
358 to avoid paying taxes on the new lines. The Town has the option to own their own water  
359 company or have a contracted water department. They can also look into other companies  
360 besides Pennichuck. Ms. Abare stated that the company White Water has also been  
361 recommended to them.

362

363 Town Administrator Roark noted that if they were to go with a different contract other than  
364 Pennichuck, they would have to negotiate the portion that Pennichuck already owns away from  
365 them, which can be very difficult. He added that if the Dracut negotiations and water line  
366 installation all go as planned, he would be inclined to encourage Pennichuck to manage the new  
367 lines as well, instead of trying to negotiate out of the franchise or having the Town take over

368

369 Mr. Cote asked who is currently paying for the work being done on water lines owned by  
370 Pennichuck in Town. Ms. Abare stated that Pennichuck pays for the work being done since they  
371 own the lines. Mr. Cote asked if this impacts taxpayers. Ms. Abare explained that there is an  
372 impact on taxpayers who own a home that uses the water lines that Pennichuck owns, they have  
373 set charges and fees they have to pay.

374

375 Ms. Abare explained that Pelham taxes Pennichuck for the lines in the ground because they use  
376 the Town's real estate. Pennichuck may want to negotiate out of franchising the Sherburne Road  
377 area water lines due to the taxes, since they will be using the Town's lines. Mr. Cote noted that if  
378 the Town started managing their own water, it would have a Town wide tax impact. Mr.  
379 Bergeron noted that about 70% of the Town has suitable water, so he does not think having a  
380 water department is efficient for the Town.

381

382 Mr. Croteau asked if they knew the tax revenue that Pennichuck pays on the water lines. Ms.  
383 Abare stated that she does not currently have that exact information, but she will do more

384 research and let the Board now. Mr. Croteau noted that it would be good information to know  
385 since the Town is charged a fee for the fire hydrants, so it would be useful to know if the tax  
386 revenue offsets those fees. Mr. Cote stated that he believes the Town pays around \$170,000.00 in  
387 fees for the fire hydrants.

388  
389 Ms. Abare added that she agrees with Town Administrator Roark that staying with Pennichuck is  
390 the best and easiest option.

391  
392 Ms. Abare asked the Board of Selectmen how they think the Water Commission is going since  
393 they reinstated it. Mr. Cote and Chairwoman Corbett agreed that they appreciate all the effort the  
394 Water Commission is putting in. Mr. Bergeron added that it is a positive that the Town is getting  
395 a lot more answers about the water than they used to.

396  
397 Mr. Croteau noted that the Town pays Pennichuck \$24,649.00 for water in the Town Buildings.

398  
399

### 400 **DISCUSSION**

401  
402 Ms. Takesian looked into the Senior Center recreation being allowed to run through Park and  
403 Recreation's "Eighties Fund". This fund helps programs run from year to year, and also allows  
404 new programs to be added without their budget being affected. She added that the Senior Center  
405 is now running a lot of programs, so she was wondering if the Senior Center's recreation  
406 programs could also be run through the revolving fund that the Town has for programs. She  
407 Emailed NHMA, and they said that they probably could do that since it qualifies as recreation,  
408 however, the warrant article adopted in 2006 may need to be modified since it currently only  
409 refers to the Parks and Recreation and its director.

410  
411 Chairwoman Corbett noted that they could put this on the agenda for next time and that she  
412 would like to hear from Parks and Recreation and the Senior Center.

413  
414 Mr. Croteau asked if the "Eighties Fund" grows through programs. Ms. Takesian explained that  
415 each program should have a balance as they usually charge more for the program than they spend  
416 on the programs.

417  
418 Ms. Takesian added that she thinks it may be a good idea to start an "Eighty-one Fund" so the  
419 Senior Center can have their own revolving fund for programs, but she is unsure if they can do  
420 that. She noted that they could check with the Town Finance Director and Town Attorney.

421  
422

### 423 **SELECTMEN AND TOWN ADMINISTRATOR REPORTS**

424  
425 **Town Administrator Roark** regretfully announced that Jennifer Castles, the Town's part-time  
426 recording secretary for the Planning Board, submitted her resignation on January 20, 2023. He  
427 stated that the Town will be sad to see Jennifer go.

428  
429 **Mr. Cote** had nothing to report.

430  
431 **Mr. Croteau** had nothing to report.

432  
433 **Chairwoman Corbett** had nothing to report.

434  
435 **Ms. Takesian** had nothing to report.

436  
437 **Mr. Croteau** stated that he spent time in the woods with the Forestry Committee learning about  
438 timber harvesting, which he said is quite the undertaking. He added that he realizes that the  
439 OHRV traffic on Town land is unacceptable, even though he is an OHRV rider. He thinks that  
440 the community needs to be more responsible about what they do in the woods, especially when  
441 we are having a warm winter like we are having.

442  
443 Chairwoman Corbett thanked the Forestry Committee for all of their hard work. Town  
444 Administrator Roark added that the Forestry Committee will be coming before the Board soon to  
445 discuss timber harvesting.

446  
447  
448 **REQUEST FOR NON-PUBLIC SESSION**

449  
450 **MOTION:** (Cote/Croteau) Request for non-public session per RSA 91-A:3, II, A  
451 (personnel).

452  
453 **ROLLCALL VOTE:**

454  
455 Selectman Cote – Yes  
456 Selectman Bergeron – Yes  
457 Selectman Corbett– Yes  
458 Selectman Croteau – Yes  
459 Selectman Takesian – Yes

460  
461 (5-0-0) The motion carried.

462  
463 It was noted that when the Board returned, after the non-public session, the Board would not take  
464 any other action publicly, except to seal the minutes of the non-public session and to adjourn the  
465 meeting. The Board entered a non-public session at approximately 8:55 pm.

466  
467  
468 **ADJOURNMENT**

469  
470 Respectfully submitted,

471  
472 Makayla Clougherty  
473 Recording Secretary