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2
3 **APPROVED**
4 **TOWN OF PELHAM**
5 **BOARD OF SELECTMEN–MEETING MINUTES**
6 **MARCH 5, 2024**

7 **CALL TO ORDER** – Chairman Cote called the meeting to order at approximately
8 6:30pm

9
10
11 **PRESENT:** Jaie Bergeron, Heather Corbett, Kevin Cote, Jason Croteau, Charlene Takesian,
12 Town Administrator Joseph Roark

13
14
15 **ABSENT:** None

16
17
18 **PLEDGE OF ALLEGIANCE**

19
20
21 **MEETING MINUTES REVIEW**

22
23 February 9, 2024

24
25 **MOTION:** (Corbett/Croteau) To approve the February 9, 2024 meeting minutes as is.

26
27 **VOTE:** (5-0-0) The motion carried.

28
29
30 February 20, 2024

31
32 **MOTION:** (Corbett/Croteau) To approve the February 20, 2024 meeting minutes as is.

33
34 **VOTE:** (5-0-0) The motion carried.

35
36
37 **OPEN FORUM**

38
39 No one came forward during open forum.

40
41
42 **APPOINTMENTS**

43
44 **Jennifer Beauregard, Planning Director and Dena Hoffman, Environmental Regulation**
45 **Compliance Specialist: Seeking authorization to accept grant funds from the Clean Water**
46 **State Revolving Fund for stormwater asset management.**

47
48 Town Administrator Roark asked Ms. Hoffman to come to the stand in case they had questions
49 and explained that Ms. Beauregard was under the weather and unable to attend the meeting. He
50 said that Ms. Beauregard wrote the Board of Selectmen a letter.

51
52 Chairman Cote stated that they were looking for authorization to accept grant funds from the
53 Clean Water State Revolving Fund for stormwater asset management.

54
55 Town Administrator Roark read Ms. Beauregard's letter.

56
57 The Planning Department is seeking authorization to accept grant monies for an Asset
58 Management Program. Asset management in terms of Stormwater Assets.

59
60 Dena Hoffman and Jennifer Beauregard applied in June of last year for a Clean Water State
61 Revolving Fund (CWSRF) project grant to develop an Asset Management Program. In
62 November, Dena received a letter of congratulations informing the Planning Department that
63 their application had been selected to receive the funding.

64
65 The maximum amount of the stormwater grant is \$30,000 and that is the amount they received
66 preapproval for. This would be a one-time grant to assist in the setup of the program.

67
68 Eligible Costs are as follows:
69 • Software purchases
70 • Equipment purchases/rentals such as GPS units and tablets
71 • Hiring of interns
72 • Consultation fees using the standard QBS process. Since we went through this process fairly
73 recently in selecting Verdantas in 2019 (our current Stormwater Management Consultant) DES
74 has approved us using Verdantas as our consultant through this project and they will not need to
75 go through the QBS process again.

76
77 The next step is for the Board of Selectmen to authorize an individual to accept the funds. The
78 Planning Board will also need authorization for an individual to have signatory authority of the
79 contract once it has been reviewed and approved by DES. This person does not have to be the
80 same but can be. They recommend it be the Town Administrator.

81
82 The funds are anticipated to be used as follows:
83 • We would like to have Verdantas develop an Asset Management Plan
84 • We want them to also assist in data conversion and database setup using our current Civic-Gov
85 program. Once our system and plan are established, we would better be able to track when
86 current systems are due for maintenance when they are at end of life, etc. Good example:
87 Simpson Road Culvert. They plan to be working closely with the Highway Department.

88
89 After they have received authorization, they will move on to get together a Work Scope and
90 Contract approval with their consultant.

91
92 The final application is due April 30, 2024.

93 Town Administrator Roark clarified that they have been pre-approved for this grant, and they
94 need someone to sign off on the application to complete it. Once the money is formally awarded,
95 they will need to hold a public hearing to accept the funds.

96

97 Town Administrator Roark asked Ms. Hoffman if she had anything to add. Ms. Hoffman stated
98 that they must provide evidence of the authority to accept grant funds. Town Administrator
99 Roark stated that they can provide the meeting minutes as evidence.

100

101

102 **MOTION:** (Corbett/Croteau) To authorize the Town Administrator to sign on behalf of the
103 Town to accept and manage the grant.

104

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

106

107

108 Chairman Cote thanked Ms. Hoffman.

109

110

111 **Discussion of extending the Sherburne Road Area Temporary Growth Management**
112 **Ordinance in accordance with RSA 674:23 that was voted on by the Board of Selectmen at**
113 **the March 7, 2023 meeting. This area includes land on and roads off of the Sherburne Road**
114 **area, within the Town of Pelham, which includes the following properties: beginning at**
115 **Map 39, Lot 1-103 (to include Scenic View Drive) and including all Map 39 Lots on**
116 **Sherburne Road to the west of Lot 1-103, including all Lots on Map 38 and all Lots on Map**
117 **32.**

118

119 Chairman Cote noted that there were quite a few people in the audience for this topic, and asked
120 if they should have people come up in open-forum style. Town Administrator Roark asked Ms.
121 Takesian what her thoughts were since she wanted to have this discussion. Ms. Takesian stated
122 that it was discussed at the Planning Board meeting to have Danielle Masse-Quinn and Jim
123 Bergeron represent the Planning Board at this meeting. Ms. Takesian added that Kim Abare from
124 the Water Commission is also in attendance, so it would be good to have her come forward to
125 give an update as well.

126

127 Ms. Masse-Quinn, Mr. Bergeron and Ms. Abare came before the Board to discuss this issue on
128 behalf of the Planning Board and the Water Commission.

129

130 Ms. Masse-Quinn stated that the Planning Board voted unanimously to ask for a one-year
131 extension of the moratorium that is ending on March 7, 2024. Ms. Masse-Quinn added that they
132 are still working on things, including an updated well ordinance.

133

134 Ms. Takesian asked how the moratorium has been working over the last year and asked them to
135 clarify if it has helped the situation or not. Ms. Masse-Quinn stated that she thinks it has helped
136 because they can use it as a tool for a Planning Board. She added that due to the exemption, they
137 can still allow people to build if they can meet the water requirements while still giving top
138 priority to residents in the area who do not have water. Ms. Takesian asked if anyone had been

139 denied their property rights to develop their property as a result of the moratorium. Mr. Bergeron
140 said no one has been denied the right to develop their property. He added that currently, a
141 developer is moving forward with a good-sized project of around 20-25 lots. He noted that the
142 moratorium helps them be able to ask developers to prove they can produce enough water to
143 sustain their developments. Mr. Bergeron stated that he believes this ordinance does not infringe
144 on anyone's rights, and they should not be worried about any legal action from property owners
145 or developers.

146

147 Ms. Masse-Quinn read a letter from a resident in this area who has been having issues producing
148 enough water. The letter explained how in the Fall of 2023 their well ran out of water many
149 times, so they opted to build a second well. After receiving quotes from well-known companies,
150 they chose a well-known company in the area. They dug 700 feet but found no water, and then
151 fracked the well from the top down and declared it a dead area. The well only produces 1.5
152 gallons of water per day. The company recommended digging deeper, but the costs were too
153 high. The residents started working with a new company that fracked the well again, but this
154 time from the bottom up. This resulted in the well producing 2 gallons per minute. They ran the
155 test 8 times to be sure. The residents stated that although they were hoping for more water, this
156 was enough to get them by. The resident is worried about companies not wanting to work in this
157 area and referred to it as the "desert of Pelham".

158

159 Mr. Bergeron stated that they are hoping to get a better answer to this situation, but they need
160 more time. He added that the Planning Board unanimously agrees this is a tool they need for
161 another year. Ms. Masse-Quinn noted that this issue has been going on for over 15 years, and
162 they have only been working to try and fix it for one year, so they need more time.

163

164 Ms. Abare stated that the Water Commission is in full support of having the moratorium
165 extended. She stated that they have applied for two different grants, one to source water from
166 surrounding towns and another one to lay pipes. She added that these are study grants, and the 6-
167 month update will be provided to the Selectmen's Office on Friday, March 8, 2024. Ms. Abare
168 stated that once the study is completed in June, they will apply for a large grant from the Clean
169 Water Drinking Fund from the State of New Hampshire. She heard that Londonderry is in the
170 process of applying for this grant and will be paying a minimal amount of money. Ms. Abare
171 stated that she will advocate with the Water Commission to make sure whatever is fair for
172 Londonderry is also fair for Pelham, and that Pelham will not pay more than Londonderry. She
173 noted that once the grant is approved there is a 2 year wait process. She thinks it is important to
174 get the moratorium extended since this process takes so long they need a way to keep this issue
175 under control until they can fix it. Ms. Abare also stated that Weston & Sampson and the Water
176 Commission have been working on a map of where they will lay pipes. The map prioritizes the
177 Sherburne Road area as phase 1 of the project, and 2 other areas in Town will lay pipes as well.

178

179 Chairman Cote stated that he believes there is an issue in this area, but he does not think the
180 moratorium is written to address the actual problem. He stated that developers have to prove they
181 have enough water to build but this does not explain why or if existing homes' water will be
182 affected. Chairman Cote asked what they are doing to ensure residents who already live there
183 will not be affected by the development. He added that the moratorium allowing exemptions
184 does not make sense to him, he thinks it should be all or nothing. Ms. Masse-Quinn stated that

185 when the moratorium was initially created there was no exemption, and they added the
186 exemption at the request of the Town Council. Mr. Bergeron stated that it is hard for them to
187 answer these questions since they do not have the answers from the study yet. Mr. Bergeron
188 added that Pelham is not the only town in the area suffering from this, and they need support
189 from the community to help find the answers.

190

191 Chairman Cote stated that he wants to make sure what they are doing makes sense, but he does
192 not think the current moratorium makes sense. Ms. Masse-Quinn stated that the moratorium has
193 been very helpful to the Planning Board so they can make sure developers prove they have
194 enough water before building.

195

196 Mr. Croteau suggested adding a 72-hour yield test on abutting wells within 200 feet of the
197 property line to the moratorium. He explained that this would service both current residents and
198 developers. He added that this would be at the cost of the developer. Chairman Cote asked Mr.
199 Bergeron why this was not added to the original moratorium. Mr. Bergeron explained that they
200 had a reputable well drilling company come in to give them practical knowledge about wells, and
201 this company told them that wells next door are monitored while good well tests are done. He
202 added that they are going to come up with a set of standards for wells that deal with the
203 problematic areas without punishing those in areas without this issue.

204

205 Selectmen Bergeron noted that he heard from the builders he talked to that they already had to do
206 tests abutting wells per State regulations. He added that this is for community wells. He
207 suggested they need to make updates to the moratorium if they are going to extend it, as some of
208 the language is unclear. He noted that the extensions state they need to identify a public water
209 supply, which is not a well. He stated that someone building one single-family home would only
210 add a well, not access a public water supply.

211

212 Chairman Cote stated that section 7 of the moratorium is where he has a problem with the
213 ordinance. He explained that the exemption states all you have to do is prove you have sufficient
214 water on your property, and this does nothing to examine the problem that is there. He added that
215 he agrees they need to do something, but the language is not right. Ms. Masse-Quinn agreed.

216

217 Ms. Takesian stated that she thinks the purpose of the moratorium is to address building permits,
218 not the lack of water. She added that she thinks Selectmen Bergeron brought up a good point that
219 the State requires developers to monitor abutters' wells, which should take care of the water
220 supply for the time being. She stated that she thinks the moratorium focuses more on building
221 permits, as they make this the number one issue developers need to address before getting a
222 building permit.

223

224 Selectmen Bergeron noted that the moratorium states you cannot build unless you get water from
225 a public source, like Pennichuck, or have a community well. Chairman Cote stated that his copy
226 of the ordinance does not say that. Selectmen Bergeron stated that he was mistaken and that he
227 had an older copy of the ordinance before legal changed it. Chairman Cote stated that his copy
228 states that they need access to a fully suitable public water supply source, or they need to
229 demonstrate an existing lot, or each proposed individual lot has sufficient water capacity and

230 water quality to meet the proposed lots' land use water supply needs and requirements. He noted
231 that this does not address abutters water.

232
233 Selectmen Bergeron suggested that they accept it for another year but agree to update it to be
234 more useful. Ms. Takesian agreed. Mr. Croteau stated that the purpose of the moratorium is to
235 protect the water supply of existing homes, so they should add the 72-hour yield test to abutting
236 wells within 200 feet of the property line. Selectmen Bergeron noted that the cost of this test is
237 extremely high. Mr. Croteau stated that since this would only be for a year it is acceptable for the
238 moratorium, but he does not think it should be in the updated well ordinance.

239
240 Chairman Cote asked when the Well Committee was formed. Ms. Masse-Quinn stated that they
241 got permission from the Board of Selectmen to update the good ordinance in February of 2023,
242 and they have now had three meetings. She said that they plan to begin restructuring the
243 ordinance in their next meeting. Mr. Croteau asked if she thinks they can get this done in 6
244 months. Ms. Masse-Quinn said she cannot answer that for a sub-committee. Mr. Bergeron said
245 that if they had funding it could be done much quicker, but currently, they are just a group of
246 volunteers working with different companies. Mr. Bergeron stated that they can get well
247 ordinances from surrounding towns and use those to make Pelham's the best. Chairman Cote
248 stated that he just wants to make sure they are making progress.

249
250 Linda Coppinger, Marie Ave, came before the Board to discuss this issue. Ms. Coppinger stated
251 that she has lived in her home for almost 17 years, and water supply issues have been present the
252 entire time. She stated that on average, twice per year she had to get pool water dumped into
253 their well to keep a supply. Two years ago, her existing well stopped producing water, so they
254 drilled a new well. They dug 700 feet and only got .8 gallons per minute. Ms. Coppinger stated
255 that this moratorium does help existing owners because putting proof of well upfront will
256 dramatically reduce the number of building permits issued in this area. She stated that if they
257 make sure the test is performed by a reputable third-party company they will see that there is no
258 well in the area that will get 4 gallons per minute, so no building permits will be issued. She
259 stated that she knows the moratorium is a temporary solution, so if they can lay pipes on their
260 road it will be a permanent solution.

261
262 Chairman Cote stated that in the past there had been talk of well test results being falsified, so he
263 wants them to make sure this does not keep happening. Ms. Coppinger stated that if they have an
264 independent third-party present at the tests they can make sure. She added that they have been
265 discussing this at the Well Committee meetings. Ms. Coppinger stated that she does not think any
266 homes in this area can pass the 4-gallon per minute test. Ms. Takesian stated that they also need
267 to make sure they are not taking water from anyone else's well. Ms. Coppinger stated that they
268 can test for this as well.

269
270 Steve White, 16 Chardonnay Road, approached the Board to discuss this issue. Mr. White stated
271 that he was not aware there was an exemption to this ordinance, and asked Chairman Cote to
272 read the exemption. Chairman Cote read the exemption. Mr. White stated that he used to live in a
273 different area of Town, and when someone built homes in the area that had a community well his
274 well was monitored for testing as well. Mr. White explained that the testing of neighbors wells is
275 hugely important, especially because testing can be different based on how much rain Pelham

276 has gotten during the year. He urged the Board of Selectmen to extend the moratorium for
277 another year so more research and testing can be done.

278

279 Brenda, Nicholas Lane, approached the Board to discuss this issue. Brenda stated that whether
280 they receive a lot of rain or not, their area can still run out of water. She also stated that many
281 good companies do not want to work in this area and will either overcharge or decline to work in
282 the area altogether. Brenda also is in favor of extending the moratorium.

283

284 Jason Modeski, 8 Nicholas Lane, approached the Board to discuss this issue. He stated that he
285 and his wife own a newer property in the area and their well is over 1,700 feet deep. He stated
286 that they moved into their home in 2020 and their well was drilled in 2019. He stated his
287 neighbor's well is over 2000 feet deep and they have been having water issues. Mr. Modeski
288 stated they have yet to have any water supply issues, but they were told by the State that their
289 well was fracked due to low water supply, but he could not find any information on his well's
290 yield after the frack. Mr. Modeski asked the Board of Selectmen how they are going to ensure
291 that all of the testing is being done up to code when there is no one in Town in charge of this.
292 Chairman Cote stated that they are hoping to find a solution to this and have a third party be
293 present at tests. Mr. Modeski stated that it is important they keep track of this testing and make
294 sure it follows the Town's guidelines.

295

296 **MOTION:** (Corbett) To extend the Sherburne Road moratorium for another year.

297

298 Mr. Croteau seconded the motion for discussion.

299

300 Mr. Croteau asked if they could add language to the moratorium to require the 72-hour testing of
301 abutting wells. Chairman Cote stated they need to hold a public hearing before they can do this.

302

303 **MOTION:** (Corbett/Bergeron) To extend the Sherburne Road moratorium for another year.

304

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

306

307

308 **DISCUSSION**

309

310 There was nothing up for discussion.

311

312

313 **SELECTMEN AND TOWN ADMINISTRATOR REPORTS**

314

315 **Mr. Bergeron** had nothing to report.

316

317 **Ms. Corbett** noted that there were audio issues during the live streaming of this meeting, but the
318 audio will be there for the recorded version.

319

320 **Town Administrator Roark** thanked Chairman Cote for his efforts and for helping him when he
321 needed it. He wished Chairman Cote luck in his future positions.

322
323 **Mr. Bergeron** reported that baseball season is starting soon, and they will be doing work at
324 Muldoon Park. He also thanked Chairman Cote for his efforts.

325
326 **Ms. Takesian** had nothing to report.

327
328 **Chairman Cote** reported that this is his last meeting on the Board of Selectmen. He thanked the
329 Board and Town Administrator. He encouraged other residents to volunteer in Town. He thanked
330 his wife and kids.

331
332
333 There was no need for a non-public session. The meeting was adjourned at approximately 7:48
334 pm.

335
336 **ADJOURNMENT**

337
338 Respectfully submitted,

339
340 Makayla Clougherty
341 Recording Secretary