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3 **APPROVED**
4 **TOWN OF PELHAM**
5 **BOARD OF SELECTMEN–MEETING MINUTES**
6 **SEPTEMBER 19, 2023**

7 **CALL TO ORDER** – Chairman Cote called the meeting to order at approximately
8 6:30pm
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11 **PRESENT:** Jaie Bergeron, Heather Corbett, Kevin Cote, Jason Croteau, Charlene Takesian,
12 Town Administrator Joseph Roark
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15 **ABSENT:** None
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18 **PLEDGE OF ALLEGIANCE**
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20
21 **MEETING MINUTES REVIEW**
22

23 September 5, 2023
24

25 **MOTION:** (Croteau/Corbett) To table the September 5, 2023 meeting minutes until the next
26 meeting.
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28 **VOTE:** (5-0-0) The motion carried.
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30
31 **APPOINTMENTS**
32

33 **Public Hearing: John Lozowski, Code Compliance Official - Changing the address at 39**
34 **Longview Circle, Map 6, Lot 4-139-27, to reflect dwelling units showing A&B per RSA**
35 **231:133a ensuring property is compliant with the Towns E911 Policy.**
36

37 Mr. Lozowski, the Code Compliance Official for the Town of Pelham, approached the Board
38 during the public hearing. Mr. Lozowski explained that in July of this year, Ms. Pollard from the
39 Planning Department advised him that the above address had constructed an accessory dwelling
40 unit within all legal means. Ms. Pollard pointed out that there was no change of address form
41 signed for the property, which goes against the Town’s E911 policy adopted in 2007. Mr.
42 Lozowski reached out to the homeowner, but he refused to change his address. Sue Snide, Town
43 Assessor, provided the homeowner with a letter on June 6, 2023, giving them until June 22,
44 2023, to file the change of address form with the Town. Mr. Lozowski added that in 1988 the
45 Town adopted an address code with a \$50.00 fine for non-compliance. When Mr. Lozowski
46 approached the property owner about this, they were adamant about not wanting to change their
47 address. After many phone calls with the property owner explaining why the Town had adopted
48 this policy, and letting them know of the fine schedule, Mr. Lozowski thought this would

49 convince them to finally change the address. However, the property owner informed Mr.
50 Lozowski that they felt they were on firm grounds, and they wanted to fight the address change
51 policy. Mr. Lozowski met with Town Administrator Roark and the Town Council for advisement
52 on this matter, as he did not want to take the property owner to court. He stated that the Board of
53 Selectmen has the authority to change the property owner's address to 39 A & B Longview
54 Circle if they choose to do so. Mr. Lozowski added that they alerted the property owners that no
55 certificate of occupancy would be issued until the address was properly marked. He met with the
56 property owner today, who stated he would like to discuss this with the Board of Selectmen
57 before they vote.

58

59 Chris Womersley, the property owner, approached the Board to discuss his reasoning for not
60 changing his address. Mr. Womersley stated that he never wanted to have to fight this. He
61 explained that before they added on to their property, they discussed the difference between an
62 accessory dwelling unit and an addition. He stated that they added the addition to their house for
63 his mother-in-law who visits them from out of state and usually stays with them for a month or
64 two at a time. He noted that no one permanently lives in it. Mr. Soucy explained to Mr.
65 Womersley that if you add a washer, dryer, stove, refrigerator, and other items, it is better to
66 mark the addition as an accessory dwelling unit to make sure you follow the code. Mr.
67 Womersley stated that he was never made aware of the Town policy that requires you to change
68 your address when you add an accessory dwelling unit. He noted that he was told by the Town
69 Assessor that it was not required to change the address if they did not want to. Mr. Womersley
70 stated that all necessary paperwork was submitted on June 1, 2023, and his contractor asked the
71 Planning Department if they were all set to receive their certificate of occupancy, and this is
72 when they were told they must fill out the change of address form. Mr. Womersley stated that
73 they were originally told to appeal this to the Highway Safety Committee. Then, the Town
74 Assessor told them that if they did not want to change their address they needed to submit an
75 appeal letter to the Zoning Board of Appeals.

76

77 Mr. Womersley also added that throughout this process they were never cited with any codes
78 mandating that they must change their address if they add an accessory dwelling unit, and he
79 cannot find any code mandating this. He added that he has spoken to nearly every department in
80 Town, and none of them had the same answer or a straight answer as to why they legally have to
81 change their address. He added that every required official in Town has signed off on their
82 building permit and they passed their final inspection, so there is no reason why they should not
83 receive their certificate of occupancy.

84

85 Mr. Croteau asked if the accessory dwelling unit was at the back of the house. Mr. Womersley
86 stated that the door faces the side of the house that you cannot see from the front of the house or
87 the road. Mr. Womersley stated that he does not believe changing their address poses a safety
88 risk. Mr. Croteau asked if the accessory dwelling unit uses the same address as the main part of
89 the house. Mr. Womersley stated that it does. Mr. Croteau asked if there was access to this unit
90 from the main part of the house. Mr. Womersley stated that you can access the unit from inside
91 his home, and it is a normal interior door that does not lock.

92

93 Roland Soucy, Town Building Inspector, approached the Board to discuss this issue. Mr. Soucy
94 stated that he has been the Town's Building Inspector for around thirty years, and this is the first
95 time this issue has ever come up. He explained that if the unit did not have a kitchen in it they
96 could call it an addition and this issue could go away. Mr. Soucy stated that the code is clear, and

97 a certificate of occupancy cannot be issued until all requirements are met. He added that his
98 hands are tied by the building code. Mr. Cote asked what code Mr. Soucy was referring to. Mr.
99 Soucy stated that it is the 2018 International Building Code. Mr. Soucy stated that at the end of
100 the day, he does not have the option to allow them to live in the unit without a certificate of
101 occupancy, and their only option is to appeal his decision before an appeal board put together by
102 the Board of Selectmen. Mr. Cote asked for a copy of the code Mr. Soucy was referring to. After
103 looking over the code, Mr. Cote asked if all homes with accessory dwelling units have two
104 addresses in Town. Mr. Soucy stated that every home in Town with an accessory dwelling unit
105 attached or unattached to the home has two addresses. Mr. Croteau asked what the difference
106 was between an accessory dwelling unit and an in-law apartment. Mr. Soucy explained that there
107 is no difference, any addition with a full bathroom and kitchen is considered an accessory
108 dwelling unit that needs to have its address changed.

109

110 Mr. Croteau asked Mr. Soucy why the application was called a voluntary address change. Sue
111 Snide, Town Assessor, explained that it is called voluntary because under the E911 policy, a
112 property owner can voluntarily change their address if they gain all the correct signatures and
113 approval. If the property owner is cooperative and fills out the form it is considered voluntary, if
114 they do not it is no longer voluntary.

115

116 Mr. Bergeron asked why the address needs to be changed if the owner feels there is no safety
117 risk to not changing the address. Mr. Soucy stated that the building code states it needs to be
118 before they can issue the certificate of occupancy.

119

120 Mr. Cote asked Mr. Soucy to point out the code where it says he must change the address. Mr.
121 Cote noted that an accessory dwelling unit is not the same as a duplex, and by the Town's
122 statutes, an accessory dwelling unit cannot be considered a duplex. Mr. Cote stated that the
123 building code he is reading does not state anything about an accessory dwelling unit needing a
124 separate address. Mr. Soucy quoted RSA 110 and explained how this RSA prohibits him from
125 issuing the certificate of occupancy. Mr. Cote stated that he still does not see where it says they
126 need two addresses for the home, and since the structure is attached to his home he does not see
127 why it is necessary to have a separate address. Mr. Soucy stated that he would sign the certificate
128 of occupancy without an address change if an appeal board approves it, but until then he will not
129 sign the certificate.

130

131 Mr. Ignatowicz from the Pelham Fire Department approached the Board to discuss this issue.
132 Mr. Ignatowicz stated that the address change requirement is about public safety. He explained
133 that the E911 addressing standards guide adopted by the Town states that time is a critical factor
134 in responding to emergencies, and inaccurate addressing can result in the postponement of
135 emergency services while trying to locate the correct area where the emergency is occurring. The
136 policy goes on to state that any structures containing multiple units within one discreet building,
137 regardless of whether the building is residential, commercial, industrial, or governmental, should
138 receive a single address, with each tenant within the structure receiving a sub-address. Sub-
139 addresses should increase away from the point of primary access. Mr. Cote noted that the
140 wording says "should" and not "shall", making it a recommendation. Mr. Ignatowicz stated that
141 the Town adopted this in 2007 and has been following it for every property ever since.

142

143 Ms. Corbett asked if any exceptions for this policy had ever been made since the Town adopted
144 it in 2007. Mr. Soucy stated that there has never been any issue with this until now. Ms. Corbett

145 stated that, regardless of the language of the policy, the Town has been putting in a good-faith
146 effort since 2007 to consistently enforce this policy as standard. Mr. Cote stated nothing is
147 saying this policy is mandatory. Ms. Takesian stated that on page 15 of the E911 Policy, it states
148 that any structures containing multiple units within one discreet building, regardless of whether
149 the building is residential, commercial, industrial, or governmental, will receive a single address,
150 with each tenant within the structure receiving a unit letter designation, unit letters should
151 increase away from the point of primary access. Mr. Cote stated that he does not want to make
152 anyone do anything not legally required, so if the verbiage states it is a requirement, he will
153 enforce it. Mr. Soucy states that there is an appeal process for the building code, but he does not
154 know if there is an appeal process for the Town's E911 Policy.

155

156 Mr. Ignatowicz added that if the current homeowners ever sell the home, the new owners may be
157 unaware of the safety issue of not having two separate addresses.

158

159 Mr. Womersley approached the Board again to question whether or not his addition should be
160 considered its own separate unit. He added that the wording truly does matter as the decision will
161 set a precedent for future homeowners who do not want to change their address when adding on
162 an accessory dwelling unit. He also questioned what the difference was between Mr. Soucy
163 signing the final inspection and issuing the certificate of occupancy since the final inspection was
164 signed but they were not issued a certificate of occupancy. Mr. Womersley went on to explain
165 that he does not think keeping his residence as one address is a safety issue.

166

167 Mike Palumbo, 26 Hayden Road, approached the Board to give his opinion on this issue. Mr.
168 Palumbo explained that he does not believe Mr. Womersley was correctly informed by Town
169 officials on the address change policy. He believes the process needs to be made more clear for
170 all residents in Town. Mr. Cote agreed that going forward, the process needs to be made clearer.
171 Mr. Cote closed the public forum.

172

173 Ms. Takesian stated that she recognizes that this has never been challenged before and there are
174 loose instructions for this policy, but, due to the Town adopting the E911 policy, and the
175 recommendations from Town safety officials, she thinks the policy should be enforced. Ms.
176 Takesian asked if Mr. Womersley would have not built the accessory dwelling unit if he had
177 known he would have to make the addresses A and B. Mr. Womersley stated that they originally
178 wanted a detached unit, but they did not have enough space per the Town's code, so it did
179 influence his decision.

180

181 Mr. Bergeron asked what the Board could do if Mr. Soucy had the final say in issuing the
182 certificate of occupancy. Mr. Cote explained that even if the Board decided they did not think
183 Mr. Womersley should have to change his address, Mr. Soucy still would not be able to issue the
184 certificate of occupancy until Mr. Womersley contested his decision and the Board of Selectmen
185 formed an appeal board to discuss the case.

186

187 Mr. Croteau stated that he would like to clarify the building permit process for the public so
188 everyone can understand why the inspection was signed but a certificate of occupancy was not
189 issued. Mr. Soucy explained that signing off on the inspection is a lot different than issuing a
190 certificate of occupancy, and many other things need to be in place before it is issued. He added
191 that the inspection is just one part of what you need to get the certificate of occupancy.

192 Jen Beauregard, Planning Director, approached the Board to weigh in on this issue. Ms.
193 Beauregard explained that although this has never been an issue before now, they have already
194 made some changes to the application. She stated that they did make it more clear in the
195 application that you will need to have two addresses if adding an accessory dwelling unit.
196 Ms. Takesian noted that when the Town adopted the E911 Policy, many residents in Town had to
197 change their addresses. She added that the Town adopted the policy for a reason, and it is
198 important to abide by it for safety reasons.

199
200 Mr. Cote stated that he sympathizes with Mr. Womersley, however, they have to think about the
201 future. He stated that if they ever sold their house, the new owners could be at risk if the address
202 is not properly marked.

203
204 Mr. Womersley asked if they would be able to leave their address as 39 and make the accessory
205 dwelling unit 39A so they do not need to change their mailing address or licenses. Mr. Croteau
206 stated that he believes Lieutenant Ignatowicz said that was not an option.

207
208 Mr. Cote stated that he thinks it is important to think about consistency for the Town, and, since
209 every other accessory dwelling unit has had to have a different address, they should continue
210 with this.

211
212 Ms. Takesian asked if they are allowed to make any changes to the E911 Policy for the Town.
213 Mr. Cote says they can make changes if they go through the process.

214
215 **MOTION:** (Takesian/Corbett) To change the address at 39 Longview Circle, Map 6, Lot 4-
216 139-27, to reflect dwelling units showing A&B per RSA 231:133a ensuring
217 property is compliant with the Towns E911 Policy.

218
219 **VOTE:** (3-2-0) The motion carried.

220
221
222 **Police Chief Perriello: Highway Safety Committee recommendation to adopt two new stop**
223 **signs on Hayden Road**

224
225 Chief Perriello stated that she was there to represent the Highway Safety Committee as a
226 chairperson. She explained that there have been several issues on Hayden Road that resulted in
227 complaints from residents. Some of the complaints include a dog being hit by a car and killed, a
228 rollover accident where the operator was impaired, and kids boarding a school bus when a box
229 truck drove by the bus with the stop sign out and red lights on. Chief Perriello stated that due to
230 the amount of traffic and speeding vehicles on the road, they knew something needed to be done.
231 Around this time, the Police Department had ordered signs attached to telephone poles alerting
232 drivers of their speed. The first-place signs were hung were on Hayden Road. Between the end of
233 May and the beginning of July, twenty-five out of forty-seven of those days' vehicles were
234 traveling 50 mph or above. The speed limit on this road is 30 mph. She explained that this road
235 was not developed in the past, so she guesses people have been speeding on this road for years.
236 The sign has clocked vehicles going as fast as 80 mph. She added that approximately 1500 to
237 1800 vehicles travel on Hayden Road every day. Chief Perriello stated that the Highway Safety
238 Committee discussed many different solutions to the speeding problem. They do not think speed
239 bumps are a good idea because they can cause more crashes. They also discussed painting

240 “Slow, Children” on the road, but did not think it would make a big enough impact. They did,
241 however, hang up signs about slowing down due to children at play, but this has not made a
242 difference. The Committee decided that a three-way stop sign is the best way to slow cars down
243 on Hayden Road.

244
245 Mr. Cote asked Chief Perriello when the Highway Safety Committee met to discuss this issue.
246 Chief Perriello stated that they put the sign up in May, and believes they met in either May or
247 June to discuss it.

248
249 Ms. Corbett asked if the high speed limits usually occur on Friday or Saturday nights, or during
250 commuting hours. Chief Perriello stated that the largest volume of cars occurs during a four-hour
251 block midday. However, she did not see an exact day or time pattern for the highest speeds.

252
253 Chief Perriello stated that she is not a fan of putting in stop signs everywhere there is a speeding
254 complaint in Town, however, she does not see another option for this situation.

255
256 Mr. Bergeron asked if adding stop signs to this area would create traffic since there is such a
257 large volume of cars traveling on the road every day. Chief Perriello stated that she thinks adding
258 a stop sign will cause cars to turn down different roads without stop signs, deterring more cars
259 from traveling on Hayden Road. Mr. Bergeron asked if this would create problems on other
260 roads. Chief Perriello explained that half of the people would not mind the stop sign, and half
261 would go down other roads, so it probably would not create more issues.

262
263 Chief Perriello stated that if the Board does approve the stop signs on this road, they plan to add
264 signs stating, “Stop Sign Ahead” and keep an Officer in the area in the beginning.

265
266 Ms. Takesian asked if patrolling the area had helped at all. Chief Perriello stated that she has not
267 seen a big difference in having an Officer patrol the area, and they cannot be there full time.

268
269 Mr. Croteau stated that he thinks stop signs seem to be the most extreme solution to the problem
270 on Hayden Road. He asked if adding a blinking crosswalk sign would help. Chief Perriello stated
271 that this would probably only cause drivers to slow down the first time they go through it, and
272 then the speeding would happen again. Mr. Croteau stated that he is worried they will have to
273 install stop signs everywhere there are speeding complaints in Town if they do this. Chief
274 Perriello explained that she is not in support of installing stop signs everywhere, only when the
275 data is clear there is a serious issue.

276
277 Mr. Cote suggested they gather a few months more data on the speeding before they decide. He
278 asked if they could get a speed-reading sign in the area full time. Chief Perriello stated that it will
279 cost more money, but they can look into a solar option, so they do not have to worry about
280 replacing the batteries. Mr. Bergeron asked how much it costs. Chief Perriello stated that the
281 solar signs with installation cost around \$5,600.00.

282
283 Ms. Corbett stated that she does not think a sign telling people how fast they are going is a
284 proper preventive measure, as people can already tell how fast they are going from the
285 speedometer in their vehicle.

286

287 Ms. Takesian stated that she does not think people will stop at the stop signs since it is a straight-
288 ahead road. Chief Perriello stated that they will have an Officer there as often as possible to
289 monitor the stop signs and pull people over if necessary.

290
291 Chief Perriello let the Board know that some residents from Hayden Road were in attendance to
292 speak to the Board about the issue. Chairman Cote explained that this is not a public hearing, but
293 once they go through the agenda he will open a public forum and they can speak if they would
294 like to.

295
296 Mr. Croteau asked if they would be able to put up a temporary stop sign to see if it makes a
297 difference. Chief Perriello stated that they do have temporary stop signs, but she is unsure of the
298 legality of them. Mr. Croteau stated that if they use the temporary stop signs they can see if this
299 creates problems on other roads before making the signs permanent. He suggested that Chief
300 Perriello research the legality of the temporary stop signs and come back next week so they can
301 make a final decision. Mr. Cote stated that he is not in favor of putting up stop signs in the area,
302 as there are many side roads with this issue in Pelham and he does not think it will make a big
303 difference.

304
305 **MOTION:** (Croteau/Corbett) To table this discussion until the next meeting, where Chief
306 Perriello will provide more information on the temporary stop signs.

307
308 **VOTE:** (4-1-0) The motion carried.

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311 **Brian Johnson, Parks and Recreation Director: Dog Policy at the parks**

312
313 Brian Johnson, Pelham's Parks and Recreation Director, approached the Board to discuss the dog
314 policy at the parks. Mr. Johnson stated that he has been working with Town Administrator Roark
315 to develop a policy for dogs on athletic fields and parks in Town since there is not currently a
316 policy in place. He explained that they do not want to discourage people from bringing leashed
317 dogs to the parks, but they want to discourage loose dogs running on the playing fields. Town
318 Administrator Roark noted that the policy will require dogs to be on a proper leash no more than
319 six feet long at all times on the athletic fields. He also stated that they prefer dogs do not go on
320 the athletic fields at all due to pet waste issues. Town Administrator stated that they also
321 included the Village Green, Meeting House Park, and the Town Common, but stated that these
322 are discretionary and could be removed from the draft if the Board wants to. Mr. Cote stated that
323 he thinks they should leave them in there due to the number of activities that take place in these
324 areas.

325
326 Mr. Croteau thanked Mr. Johnson and Town Administrator Roark for working on this policy, as
327 he has seen many kids step in pet waste on the athletic fields. Mr. Croteau asked if it was
328 possible to install pet waste bag dispensers at the fields and parks. Mr. Johnson explained that
329 they have installed them in the past, and they were up for two days before it was ripped out of
330 the ground and thrown in the pond. They do have one up on Veteran's Park currently. They also
331 have issues with people taking all of the bags in the dispensers.

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333 Chairman Cote stated that they will hold another public hearing on this matter.

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OPEN FORUM

No one came forward in open forum.

SELECTMEN AND TOWN ADMINISTRATOR REPORTS

Town Administrator Roark reported that there was a successful Old Home Day in Town, and he was happy they had decent weather for the event.

Ms. Corbett reported that the Electrical Aggregation Committee will be coming before the Board in the coming weeks with more information.

Mr. Bergeron had nothing to report.

Chairman Cote had nothing to report.

Ms. Takesian reported that Wreaths Across America is trying to hang a wreath on every veteran’s grave in Gibson Cemetery over the holidays. They are currently half-way to their goal. You can donate a wreath to Gibson Cemetery on their website.

Mr. Croteau had nothing to report.

Chairman Cote stated that there was no need for a non-public session.

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

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

The meeting ended at approximately 8:25 pm.

ADJOURNMENT

Respectfully submitted,

Makayla Clougherty
Recording Secretary