

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
April 6, 2020**

Chairman Roger Montbleau called the meeting to order at approximately 7:00pm.

Mr. Montbleau read aloud “A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency” (*see Attached*)

Secretary Cindy Kirkpatrick called the roll:

PRESENT ROLL CALL: Roger Montbleau - present
Cindy Kirkpatrick - present
Tim Doherty - present
Jim Bergeron - present
Danielle Masse-Quinn - present
Alternate Paddy Culbert - present
Alternate Richard Olsen - present
Alternate Bruce Bilapka - present
Selectmen Representative Kevin Cote - present
Planning Director Jeff Gowan - present

Via Telecommunication:

Paul Dadak with stated confirmation no one was present in the room with him;
Alternate Samuel Thomas with stated confirmation no one was present in the room with him

ABSENT/

NOT PARTICIPATING: Alternate Selectman Representative Hal Lynde

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT(S)

Mr. Gowan disclosed he sent the Board important documents; two from the Governor’s office regarding how to conduct meetings (during the present circumstance of COVID-19).

Mr. Gowan informed a number of the applicants and Steve Keach of Keach Nordstrom (Board’s engineering review firm) were participating with the meeting remotely and engaged via telecommunication.

ELECTIONS and APPOINTMENT OF ALTERNATES

Mr. Montbleau stated he was not seeking a nomination for re-election to the chairman seat. He noted his appointment to the Board has one remaining year and he would be happy to support and help anyone coming forward to learn the role of chairman.

Mr. Cote made a motion to nominate Mr. Tim Doherty for the Chairman position. Mr. Bergeron seconded the motion.

MOTION: (Cote/Bergeron) To nominate Mr. Tim Doherty for the Chairman position.

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Ms. Masse-Quinn – Yes
 Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Montbleau congratulated Mr. Doherty and turned the meeting over to him as Chairman.

Mr. Bergeron took a moment to thank Mr. Montbleau for his leadership and service to the Town. He informed that Mr. Montbleau had spend in excess of thirty years volunteering for the Town. He thanked him for his service and chairmanship and added it had bee a pleasure. The Board and public gave a round of applause in gratitude.

Mr. Cote made a motion to nominate Mr. Jim Bergeron for the Vice Chairman position. Mr. Montbleau seconded the motion.

MOTION: (Cote/Montbleau) To nominate Mr. Jim Bergeron for the Vice Chairman position.

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Ms. Masse-Quinn – Yes
 Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Cote made a motion to nominate Ms. Cindy Kirkpatrick for the Secretary position. Mr. Montbleau seconded the motion.

MOTION: (Cote/Montbleau) To nominate Ms. Cindy Kirkpatrick for the Secretary position.

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Ms. Masse-Quinn – Yes
 Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Doherty mentioned in the past the Board had talked about possibly having Mr. Gowan read in the abutter's lists. He asked the Board to consider doing so. There was a consensus of the Board for Mr. Gowan to read in abutter's lists.

With regard to volunteer applications for the three available alternate positions, Mr. Gowan told the Board there were four applications received: Sam Thomas, Bruce Bilapka, Derek Steele and Mike Sherman, although he didn't have a physical copy of Mr. Sherman's submission. He indicated he had seen the application but didn't have a physical copy as he believed it had been submitted to the Selectmen's office.

Mr. Montbleau inquired if Mr. Steele's appointed term had another year. Mr. Gowan replied Mr. Steele's term 'technically' expired next year. He didn't know how it would go because it wasn't addressed in the Board's ByLaws, so he asked Town Counsel if there was anything in the statutes. Mr. Bergeron felt he could help answer the question. He said the question had been (previously) raised so he contacted the legal staff New Hampshire Municipal Association ('NHMA') to pose the question. He stated the question was asked in two different forms: 1) mentioning people's names, particularities and what happened in Pelham and 2) generic form with no mention of names but asked the point of law. He believed the responses received from NHMA should answer the question (regarding Mr. Steele's term). Mr. Gowan read aloud the opinion received from Town Counsel; based on the question of an alternate (appointed for three years) who served one year as alternate then one year as a temporary full member. Town Counsel replied to Mr. Gowan indicating there was no clear guidance in the Statutes; it could well be the alternate's term could automatically continue, but in the absence of clear direction Town Counsel suggested the Board take a vote to appoint the alternate for the remainder of their original term. Mr. Gowan commented whether it was Mr. Steele or another person appointed he noted the terms of the alternates should be staggered. Mr. Doherty believed the question may be addressed in the Planning Board member handbook. He believed the alternate's term expired when they became a full member. Mr. Bergeron informed his inquires were answered by the NHMA Municipal Service Counsel who informed *Mr. Steele would not automatically revert back to being an alternate. His appointment to the full Board, even if temporary overrode his appointment as an alternate. It was as if he was appointed from a temporary to a full-time position. Once released from the full-time position does no mean that he is placed back on the temporary position. He's released entirely. He would have to be reappointed as an alternate.* Mr. Bergeron believed the response reflected the same law used in the State and Federal Government as far as temporary appointments being made to permanent positions.

Mr. Cote made a motion to reappoint Mr. Bruce Bilapka to an alternate position for a three-year term. Ms. Masse-Quinn seconded the motion.

MOTION: (Cote/Masse-Quinn) To reappoint Bruce Bilapka to an alternate position for a three-year term.

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Ms. Masse-Quinn – Yes
 Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Cote made a motion to reappoint Mr. Samuel Thomas to an alternate position for a three-year term. Mr. Dadak seconded the motion.

MOTION: (Cote/Dadak) To reappoint Samuel Thomas to an alternate position. (** see term below motion)

ROLL CALL VOTE:

- Mr. Doherty – Yes
- Mr. Bergeron – Yes
- Ms. Kirkpatrick – Yes
- Mr. Montbleau – Yes
- Mr. Dadak – Yes
- Ms. Masse-Quinn – Yes
- Mr. Cote - Yes

(7-0-0) The motion carried.

** Mr. Cote amended his motion for Mr. Thomas to be reappointed to a three-year term. There was no objection to the amendment; the motion was amended to include the term.

Mr. Doherty asked Mr. Mike Sherman to come forward as the Board didn't have a copy of his volunteer application. He asked him to verify whether or not he had submitted an application.

Mr. Mike Sherman, Old Bridge Street told the Board he filled out an application and turned it in at the Selectmen's office. Mr. Gowan confirmed Mr. Sherman had submitted an application; however, a physical copy hadn't been forwarded to him. Mr. Doherty recalled in the past Mr. Sherman had been both an elected member as well as an alternate member and involved with several subcommittees. Mr. Sherman indicated he submitted an application as he would like to get back on the Board and work with them again. Mr. Doherty stated Mr. Sherman had done a lot for the Board.

Mr. Doherty said the Board knew Derek Steele (applicant for alternate position) as he had been an alternate for the last few years.

Mr. Cote made a motion to appoint Mr. Mike Sherman to an alternate position for a one-year term. Ms. Masse-Quinn seconded the motion.

MOTION: (Cote/Masse-Quinn) To appoint Mike Sherman to an alternate position for a one-year term.

ROLL CALL VOTE:

- Mr. Doherty – Yes
- Mr. Bergeron – Yes
- Ms. Kirkpatrick – Yes
- Mr. Montbleau – Yes
- Mr. Dadak – Yes
- Ms. Masse-Quinn – Yes
- Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Bergeron questioned if the Board had all the alternates they were allowed. Mr. Gowan stated the Board was allowed five alternates; with the new appointments the Board had five alternates.

OLD BUSINESS

7:30pm-8:00pm

Case #PL2019-00029**Map 31 Lot 11-33 &****Map 31 Lot 11-37 Access Lot****KLECZKOSKI, Charles Jr. (Owner) / AMERICAN TOWERS, LLC (Applicant) - Off Spring Street – Site Plan Review for a Wireless Communications Facility, pursuant to Section 307-58(B)(3) of the Town of Pelham Zoning Ordinance and Site Plan Regulations & a Special Permit pursuant to Section 307-40(A)(1) of the Ordinance relating to wetlands for the construction, operation and maintenance of a Wireless Communication Facility**

Representing American Towers and TMobile was Attorney Edward Pare of Brown Rudnick who joined the meeting via telecommunication. He commented on the last hearing (February 20th) they had addressed each of Steve Keach's comments (of Keach Nordstrom, Board's engineering review firm). They provided revised landscaping screening showing Hemlock in place of Arbor Vitae. He understood Mr. Keach submitted a revised letter to the Board and believed they were at a point of satisfying all plan requirements. He acknowledged they needed to submit a final plan set.

Mr. Doherty confirmed Mr. Dadak was still connected via telecommunication and was able to hear the applicant. Mr. Dadak answered in the affirmative.

Attorney Pare recapped the status. They received Zoning approval last year and believed the site plan was in order pending minor 'tweaks' pertaining to the Board's determination of the Special Permit request. He said the plan would be updated as necessary and understood Chief James Midgley of the Pelham Fire Department was satisfied with the proceedings of the tower having the top 25ft being use exclusively for public safety.

Mr. Gowan recalled at the end of the previous meeting (for the application) the Board talked about a draft motion given the 'moving parts' of the proposal. He consulted Mr. Keach and worked with Town Counsel to create a simple draft that is specific enough to take care of the Fire Chief's communication concerns. However, he felt the discussion should be opened to Mr. Keach and the public for comments.

Mr. Keach referenced his memorandum dated March 24, 2020 containing four remaining comments. He said two of the comments pertained to surety requirements he believed Mr. Gowan would present with the proposed draft motion. One of the items reminds the Board there is a simultaneous application for Special Permit to do work within the WCD. The last item references a single waiver to Section 302-3.E(3)(a)(23); Mr. Keach believed the Board accepted for consideration but had not yet taken action whether to grant approval to not require site specific soil mapping. His memo noted the information would be of little or no benefit in the design and review of the current application and went on to support the applicant's request for waiver. Mr. Keach was satisfied with the technical content of the plan.

Mr. Doherty asked Ms. Kirkpatrick if the applicant submitted the waiver request for the specified section. Attorney Pare answered yes; it was submitted with their original application and followed up with additional detail as to why they made the request. He pointed out they would be doing a soil sampling at the tower site itself and will submit information with the tower foundation design building permit. He stated the waiver request was accepted for consideration at the last meeting. Mr. Keach believed it had been accepted. Ms. Kirkpatrick stated the waiver was accepted for consideration February 20, 2020.

PUBLIC INPUT

Mr. Doherty invited the public to comment either in person or via telecommunication.

Mr. Paul Gagnon came forward to speak as a member of the Conservation Commission. He told the Board they had a purchase and sale agreement to purchase 35 out of the 36 acres owned by Mr. Kleczkoski; 1.25 acres

would remain under his ownership for the cell tower. The remainder of the land will become Town land which abuts an existing 20-acre parcel.

Mr. Doherty inquired if a portion of the land was previously approved by the Planning Board for a small subdivision. Mr. Gagnon believed a subdivision plan had been done (2007 or 2008), but not approved by the Board. At that time the owner was more interested in developing the land rather than selling to the Town. With the revenue from the cell tower the owner was now willing to sell the land and the proposed subdivision would be retired.

Mr. Bergeron confirmed the surety of the purchase and sale was 'all good'. Mr. Gagnon answered yes; all they needed was a release from American Tower so a lot line revision could be submitted to the Board to reduce the cell tower parcel to approximately 1.25 acres for the acquire the balance. Mr. Bergeron questioned if the Board should consider adding a condition for approval to have the Town acquire the property. Mr. Gagnon would appreciate anything the Board could do to help acquire the property, although he trusted American Tower to provide a release of the property.

Mr. Cote recalled residents had issues regarding the development of the land. He asked if there was any opportunity for anyone to develop the land in connection with the purchase and sale of the land around the cell tower. Mr. Gagnon replied there was not. He added the purchase and sale also states the 1.25 acre could only be used for a communications facility. When a communications facility is no longer needed the 1.25-acre parcel will become Town land at no additional cost to the Town. There is no opportunity for a residential home to be put on that 1.25-acre parcel.

Michelle and James Johnson, 6 Partridge Lane spoke via telecommunication. Ms. Johnson stated her community didn't endorse the tower. She wanted to know how other Town owned properties would be affected if in this case the Town purchased land in a residential area and allowed access to a commercial location. Mr. Gagnon informed there was no access being allowed across Town land. The access is across land owned by Mr. Kleczkoski and onto land also owned by him. Mr. Kleczkoski owns thirty-six acres and will be putting the tower on his own property. The Town is proposing to purchase the balance of the property (34.75 acres). Mr. Gagnon reiterated they weren't relinquishing any rights to any Town land. Mr. Johnson inquired if there was a proposal to open up five lots. Mr. Gagnon clarified the applicant, back in 2007, engaged an engineering firm to do a subdivision proposal; that proposal showed a 5-lot subdivision was feasible. Both the access and the houses would have been put on the applicant's land; there was no Town involvement. Ms. Johnson questioned if the access would have come from the 64 Blueberry Circle site which is owned by the relative of the applicant. Mr. Gagnon believed that was correct; it was owned by the son. Ms. Johnson believed that lot was residential with less than 200ft. of frontage. She understood an additional driveway would be allowed to access the property (in connection with the case being discussed) She felt there were a lot of things being pushed through that were in defiance with the Zoning laws, everything from residential zoning to putting in a second driveway with less than 200ft. of frontage to creating a road with a pitch of approximately 12% to access the tower. She added there was a deed restriction that precluded any kind of driveway without having a turnaround for emergency equipment.

Attorney Pare told the Board he mentioned at the last couple hearings the Zoning Board granted relief of the frontage issue and residential use issue. He said the driveway was approved by the Highway Safety Committee as part of the approval (conditions) and pursuant to a previous plan (in the 1996-97 timeframe) they've provided a temporary turnaround to comply with the conditions of approval for the second driveway. Attorney Pare indicated the property owner has given access over the lot 36 to access the tower location itself. As far as they were concerned, they were in full compliance of the Zoning decision granted for use and necessary variance relief and the conditions contained in the plan approved by the Board. Attorney Pare heard the question regarding the release and stated American Towers had no opposition to doing a release. He suggested consulting Town Counsel rather than making it a condition of approval. He believed the Board would be seeing an application to adjust the lot lines. He noted they (the applicant) had to first go through a couple appeal periods

and be comfortable they weren't creating any non-conformities. He reiterated American Tower had no issues in principle and specifics with the sale (release) of the (excess) property. He wanted to have an additional conversation with the owner to ensure they understood what was occurring.

Mr. Gowan heard mention that the Highway Safety Committee ('HSC') approved the driveway. He noted the HSC was advisory only and 'recommended' approval of the driveway.

Mr. Larry Horgan, 32 Blueberry Lane told the Board the Zoning Board voted on three variances during their meeting of September 10, 2018 (Case #ZO2018-00015). He believed the site access (driveway), alterations to the street or lot on Blueberry Circle is against the Zoning Board approval. He said he downloaded the meeting and wanted to play it (approximately 3 minutes) from his laptop for the Board. He noted he also had a transcript of such.

It was noted the Board was following a specific time schedule for hearings/cases. Mr. Doherty stated the Board had a 7:30pm-8:00pm timeslot for the case. This was due to the meeting being conducted electronically. He noted there was approximately three minutes until the next scheduled hearing/case. He said they would have to continue the case.

Ms. Johnson stated they wanted more time. Mr. Horgan also told the Board he would need more time as he had illustrations to follow up from the last meeting. He said he wasn't opposed to public safety and understood the Police and Fire Departments needed coverage. During the last meeting he proposed the Town putting up an antenna in Blueberry Woods, to which Mr. Gowan indicate the Town wasn't in business to put up towers or antennas. He informed there was a 100ft. antenna on top of the Fire Department and a 69ft. antenna on top of the Police Station that were owned by the Town. Also, during the last meeting, he asked that the tower be made to resemble a tree. He wanted to continue speaking.

Mr. Doherty asked Mr. Gowan to explain how the meeting was structured with individual timeslots as during discussion a voice was heard coming out of the speaker. He thought it would become a problem if people could arbitrarily talk. Mr. Gowan mentioned this was the first meeting using telecommunications. Cable TV Director Jim Greenwood suggested reminding people they had to wait their turn to speak.

Mr. Gowan clarified a statement made by Mr. Horgan. He said during the last meeting Mr. Horgan asked why the Planning Department didn't put up a tower. He answered the question by replying the Planning Department didn't put up anything; even if they did it would be just as tall as the proposed tower because they needed the height in order for the communications equipment to be above everything.

Mr. Doherty called attention to the fact it was 8pm and they needed to move onto the next case. Mr. Gowan noted the Board would need to date specify the case. Mr. Doherty informed the Board would need to decide if they would be holding another meeting in April based on the current crisis (COVID-19) situation in the State and country. He said they were only required to conduct one meeting per month. It would be his suggestion to hold off and schedule their next meeting six weeks out. Mr. Bergeron suggested taking a consensus of the Board regarding the upcoming meeting(s). Mr. Montbleau agreed with Mr. Doherty's suggestion and made a motion for such. Mr. Gowan assumed the current case would be continued to May 18, 2020 and those cases scheduled for the April 20, 2020 would be re-notified for the May 18, 2020 meeting.

MOTION: (Montbleau/Bergeron) To postpone the Board's second meeting in April (April 20, 2020) and first meeting in May (May 4, 2020) based on the current pandemic (COVID-19) and risk factor to people. The next Planning Board meeting is tentatively scheduled for May 18, 2020.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes

Ms. Kirkpatrick – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Ms. Masse-Quinn – Yes
 Mr. Cote - No

(6-1-0) The motion carried.

Attorney Pare asked for confirmation of when the case would be scheduled and heard. Mr. Doherty replied the case would be heard May 18, 2020.

8:00pm-8:30pm

Case #PL2020-00003

Map 27 Lot 3-125

COREY CONSTRUCTION, LLC - 499 A & B Mammoth Road - Proposed 12-Lot Subdivision consisting of single-family homes

Representing the applicant via telecommunication was Doug MacGuire of The Dubay Group. He stated they just received (on Friday of last week) Steve Keach's review (of Keach Nordstrom – Board's engineering review firm). There were a number of items to review and add detail to the plan. They've started working on the items but hadn't had an opportunity to fully digest all the comments. They planned to work on the items and resubmitting plans back to Mr. Keach. Mr. MacGuire recalled during the last meeting making a suggestion to schedule a site walk to visit this site as well as another site being developed by the same developer.

Mr. Gowan pointed out with the Board moving their next meeting to May 18th, they could schedule a site walk for both sites on Saturday, May 16th. The other case had already been date specified for a site walk on April 18th; however, he could send notification of a date change.

MOTION: (Cate/Dadak) To change the previously scheduled April 18th site walk items to Saturday, May 16, 2020 beginning at 10am. (This case will be included for a site walk)

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Ms. Masse-Quinn – Yes
 Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Bergeron made a motion to continue the case to May 18, 2020. Mr. Cote seconded. Mr. Doherty asked the applicant if they were comfortable with the proposed date specification. Mr. MacGuire stated they were comfortable with the extra time and felt they would be able to submit revised plans to Mr. Keach allowing time for his review prior to the next meeting.

Mr. Bergeron wanted the Board to recall the proposed lot had significant alteration of terrain and tree cutting that was possibly in violation of State Statute. He wouldn't recommend for the applicant or anyone involved to expend any money until after the Board hears back on those items. Mr. Gowan commented they haven't received

anything from the Department of Environmental Service ('DES') for this case. Mr. Bergeron replied maybe they should. He said he made it clear to another engineer (on a separate case) at the last meeting that he read the Statute and had seen some feedback from DES on that other case which is parallel to the present case. Before proceeding, he wanted to make sure the Board was performing everything according to law. Mr. Gowan answered by saying the plan (in front of the Board) had been accepted for consideration and Mr. Keach has performed a review. He said the question was whether or not the applicant could proceed in response to that review. Mr. Bergeron wanted to hear from DES because clearing had been done; the State law is specific about no action being taken until all approvals have been made in front of the Planning Board.

Mr. MacGuire noted he was present at the last meeting and was familiar with the Statute Mr. Bergeron referred to and appreciated him raising the concern. It was his understanding of the application there was a permit filed well before any impact or proposals on the property for tree cutting. He believed the tree cutting was done in accordance with all applicable regulations regarding a cutting operation. He noted they had received a timber permit for such and followed the guidelines set forth as part of that. He said if there was different information, he would be happy to take into consideration. Mr. Bergeron was concerned that the Board know the application of law with regard to the case.

Since a duplex was built at the entry way to the lot, Mr. Cote understood from what he was told, any access for equipment was supposed to be through that (duplex) property. Mr. Gowan explained that direction was given at the time absent of an application being filed. Mr. Cote questioned if the applicant was violating any cease and desist orders if they were going in and out of Bush Hill Road with equipment. Mr. Gowan stated there should be no equipment going in and out of Bush Hill Road presently with zero sight distance. Mr. Cote asked the applicant how they were accessing the property to do improvements. Mr. MacGuire knew there was primary access through Mammoth Road. He provided a brief history of the property by telling the Board the applicant obtained a variance for (a couple feet short of) frontage to allow for the duplex to be placed on Mammoth Road. He added the intent was to construct the duplex and later come in with a 55+ project, which is why it made sense to cut off the one spot for the duplex and develop the (55+ project in the) remaining portion of the property. However, the applicant had already started the duplex procedures when the ordinance (for 55+ development) was eliminated, therefore they had to reevaluate to see what they could do with the property other than a 55+ development. Mr. MacGuire stated a standard subdivision seemed to make the most sense, which lead them to the current plan. He said that's why the proposal was done in a step process. He received several comments from Mr. Keach about doing several additional test pits. He wasn't aware about a cease and desist on the property and would be looking to have a machine access the property for the purpose of doing those test pits (centerline and to prove out a 4K area near one of the drainage features). He said they intended to perform the test pits to provide Mr. Keach with information. Mr. MacGuire explained temporary access would need to come off Bush Hill Road just to have the equipment come into the lot as it wouldn't make sense to come through the duplex lot that was currently occupied. With regard to the RSA Mr. Bergeron referenced, Mr. Cote thought it was important to note it because the applicant clear cut the entire property. He said the two types of cutting is clear cut or harvest. He added before the Board had a chance to analyze the plan the applicant clear cut the entire property and now the plan for a 55+ development couldn't happen, and the trees are gone. He believed the intent of the law was to preserve land until a plan is made that the Town can agree on. Mr. MacGuire clarified the proposal was for a standard subdivision that would allow for the applicant to clear cut the entire site at their discretion. He wasn't aware of any Town regulation that would prohibit them from cutting the lots. He didn't believe the RSA applied to the present case because there was no active application when the land was cut. He believed the point of the RSA was to basically prevent applicants from doing construction prior to the approval process. He again stated he didn't believe there was any regulation against cutting the trees if the proper permits are pulled. Mr. Cote confirmed the intentions had been to develop a 55+ project. Mr. MacGuire answered yes; however, that changed when the regulation was eliminated.

Mr. Dadak recalled having a conversation approximately two years ago with Mr. Gowan about a clear-cut property on Mammoth Road that he didn't recall an application coming in front of the Board. He said if this was the same property, Mr. Gowan at that time told him there was an application before the Board and the

property had just been clear cut. Mr. Gowan recalled that was correct; at the time the lot was clear-cut there was an intent to cut approved by the Selectmen; however, there was no application submitted to the Planning Department for the Planning Board. He also recalled being upset about the cut and walking the site with the Assessor to view the cut and contact the State Forester believing it was in violation of the State timber harvesting laws. Mr. Gowan said when the property was cut, they had an intent to cut but no (development) application was filed to the Board.

Mr. Doherty noted the Board had discussed the subject of clear-cutting and noted because they were under a time constraint he wanted to hear from the public. He then invited the public to comment either in person or via telecommunication. No one came forward or voiced via telecommunication a desire to speak with the Board.

Mr. Bergeron wasn't sure if the applicant was aware of the State law, therefore he referenced RSA 485-A:31 – 'Action on Application'. He read a portion of Section III aloud. He said if the applicant could say they had their all their actions approved by the Planning Board and a subdivision plan set and ready to go there wouldn't be a problem, but if that's not the case there may be a problem through State jurisdiction. Mr. MacGuire saw where Mr. Bergeron was coming from and noted he came into the project after it was cut and pointed out their survey reflected the limits of what was cut. It was his understanding a timber permit was sought, approved, received and complied with. He understood the Board's comments but believed there was nothing prohibiting someone from cutting their land with a timber permit and deciding later they want to develop a subdivision. He stated further the applicant is going to have to live with the decision to cut the land because all of the drainage design accommodates the fact that the land was completely cut; there is more storm water to deal with and more permits to comply with. He reiterated they were accommodating the fact the property was completely cut. Mr. MacGuire said it was a tougher piece of property that had slopes from top to bottom. The prototypical grading plan showed a fairly large area would have been cut regardless because grading goes from one lot to the next; a selective cut wouldn't have worked. He believed Mr. Gowan was reviewing the plan and mentioned if there was information they need to look into, they would be happy to do so.

Given the meeting's time constraints, Mr. Doherty noted they needed to wrap up the discussion as they weren't going to resolve the issues. He said the problem he saw with the application, aside from the trees, was the location of the retention pond and the access to it. He said they would really need to work on the access because crossing through private properties to get to the retention pond to clean it out was a 'no sale'.

Mr. Gowan responded to Mr. Cote's earlier question. He said he had an agreement with the owner (Mr. Peterson) not to move any equipment in and out of the blind spot. He told him he needed a police detail but at a minimum would need flaggers with radios because that's the only way they could be sure to be safe. He said he would leave it up to the Planning Board to determine whether flaggers or a police detail would be required. Mr. Doherty said that determination would be left for a future meeting.

The case was date specified to May 18, 2020.

NEW BUSINESS

8:30pm-9:00pm

Case #PL2020-00007

GULBICKI, John & BREault-GULBICKI, Lesa - 17 Greeley Road - Proposed 2-Lot Subdivision for single family homes

Mr. Gowan read the list of abutters aloud. There were no persons present or via telecommunication who hadn't been notified who asserted standing in the case.

Representing the applicant was Shayne Gendron of Herbert Associates. The property was an existing lot of record containing approximately 2.53 acres with 256.6 feet of frontage. The applicant has gone in front of the

Zoning Board and granted variances (and equitable waiver) (Case #ZO2018-00031 & #ZO2018-00032) to set up two lots out of the one existing lot. Mr. Gendron stated they're showing a subdivision of the existing lot with the existing home and detached garage to be set up with 1.31 acres with 200.4 feet of frontage; the new building lot will contain approximately 1.22 acres having 56.21 feet of frontage (by variance). The Board was provided with a set of plans, a copy of the Zoning Board approval and tax map image. Mr. Gendron informed all the test pits had been done and reviewed by Steve Keach of Keach Nordstrom (Board's engineering review firm). Gove Environmental has flagged all the wetlands and reviewed the soils. He pointed out there was one waiver request for well radiuses being within the building setbacks; however, there are existing wells on the property, one dating back pre-1988 and two proposed wells.

Mr. Montbleau felt the proposal was for a simple two-lot subdivision with a variance having been granted by the Zoning Board. The Board had no other initial comments.

PUBLIC INPUT

Mr. Doherty invited the public to comment either in person or via telecommunication.

Attorney Robert Shepard of Smith-Weiss, Shepard & Spony came forward representing Alfred Gagnon of 13 Greeley Road. Previously, via email he submitted a letter (dated April 6, 2020) that outlined his client's comments and concerns regarding the proposal. The first concern is that there is no frontage. He explained the frontage for the lot being subdivided was actually 75ft. away from the lot line. He commented this happens frequently in the State where either the Town or the State moves a road; that situation happened at the location. He said Greeley Road used to be up against the stone wall shown on the plan and at some point (after 1971 and before 1987) Greeley Road was moved. Attached to his letter was a copy of the relevant plan. Attorney Shepard noted the first plan (attached to his letter) was the plan Mr. Gagnon did at the time he subdivided the property into two lots (plan #21487); the plan shows a 75ft. easement granted by the Town. Also attached was a copy of the easement deed by the Town. He said one would question why the Town would grant an easement from a right-of-way; the reason is because the right-of-way (road) is not on the boundary line and located 75ft. away. He stated the Town owned the 75ft. parcel of land between the street and the boundary line. Attorney Shepard told the Board it was their position that there is no frontage (a copy of this position was provided to the applicant). He agreed the Zoning Board granted a variance for the new lot to contain 56ft of frontage, but the Zoning Board doesn't have the authority to create frontage where there is no frontage. It was their position the Planning Board didn't have jurisdiction to hear the case because there was no frontage and the applicant needed to prove there was frontage.

Attorney Shepard understood it was a peculiar situation from when Mr. Gagnon first subdivided the land and the Town granted the easement. He said Mr. Gagnon would tell the Board the reason for this was because the bank that represented the buyer for his lot would not approve a loan as there was no access. He said there was 'access' but no 'frontage'. Attorney Shepard stated his letter highlighted other positions he'd like the Board to consider such as:

- 1) Common driveway versus separate driveways – the applicant indicated to the Zoning Board they could put in a separate driveway. His client preferred a common driveway because separate driveways would make the area too cluttered.
- 2) Site specific location for home – Zoning Board indicated the applicant could be subject to such. They would like to hold the applicant to that representation.
- 3) Specific style of home required – during the Zoning Board meeting the applicant indicated they would be building a 3-bedroom ranch-style house. They would like to hold the applicant to that condition.
- 4) Buffer between lots – applicant indicated they were willing to do a buffering. In the area of the leach field where existing pine trees will need to be taken down, his client would like to see a buffering area along the line to buffer the development.

- 5) Drainage issues on lot 1-3-1 – there is an existing drainage issue that goes through the proposed lot and enters onto his client's property and pools at times. The lot proposed to be subdivided was wet in the back area; the previous owner filled it in and added a berm that diverted water onto Mr. Gagnon's lot. There is also existing water that goes from the proposed lot onto other lots down to Marsh Road. Attached to his letter, Attorney Shepard included a letter from an engineer that refutes the applicant's representation if the subdivision is approved and a house is allowed to be constructed that it will improve the drainage. Attorney Shepard stated their belief that drainage came from Greeley Road and the adjoining subdivision (Wilshire Lane).

Attorney Shepard asked the Board to consider their points and determine whether or not the lot had frontage; if there is no frontage, the Board cannot review the subdivision application.

Ms. Debbie Raposo, 19 Greeley Road wanted to know the required minimum lot size. Mr. Doherty replied a standard lot was one acre. Ms. Raposo questioned how much acreage the proposed new lot would contain. Mr. Doherty believed it would contain 1.22 acres. Ms. Raposo confirmed the existing lot was over two acres. Mr. Gendron replied the existing lot contained 2.53 acres. Ms. Raposo said she was initially concerned about the proposed location of the house but saw from the plan it would be further back on the lot (similar to the existing house). Mr. Doherty said it appears to be next to the existing home. Ms. Raposo heard comment about having a common driveway versus individual driveways and understood the applicant was seeking to have a shared driveway. Mr. Gendron stated at present they showed a common driveway and would have to check sight distance to see if they could get a second driveway. He didn't see any issue with having a second driveway unless the Board had a problem with it. Ms. Raposo asked the Board how they base their decisions for a plan to go through. Mr. Doherty replied there were a variety of things the Board would take into consideration once the abutters provided information. If necessary, the Board will get their engineer involved and speak as a whole to make a determination.

Ms. Nancy Ramos, 158 Marsh Road recalled at the last meeting they brought up the situation regarding the water drainage issues. She said she spoke about the ground being more saturated and runoff from her neighbor's yard had caused flooding into her neighbor's property (160 Marsh Road). She noted there was water damage/drainage on that section of Marsh Road. She wished someone would do a site walk during the rain to see the situation. She tries to clean the area (from debris) so water can flow into the drainage area (across from 160 Marsh Road). She said she needed to have the water flow away from her property to avoid further damage. At this time, Ms. Ramos stated her position of understanding the proposed subdivision wouldn't affect 158 Marsh Road (her property) but there was potential additional water flow added to her property. She was concerned (drainage) wouldn't be diverted or properly managed and would 'creep' into her yard. She told the Board she currently received drainage from 160 Marsh Road as well as from the right side of her lot and from the rear of her lot. She was afraid it would start coming from the left side (at the location of the proposed lot) and into her yard. Ms. Ramos asked for the proposal to be reviewed and investigated completely so everyone could become aware of how the water flow would be diverted away from her home. She understood there was an approval (from the Zoning Board) due to hardship. She reiterated her request for the Board to review the matter in detail before approving any future proposal, changes to the area or lots behind Marsh Road that could affect the residents on Marsh Road.

Mr. Doherty asked Ms. Ramos for the size of her lot. Ms. Ramos believed her lot was approximately 2.4+ acres. Mr. Doherty said it appeared there may be quite a few that were a similar size. Ms. Ramos noted she also owned 156 Marsh Road that also experienced drainage issues. She believed if there were additional trees cut more water would come into her yard and garage.

Mr. Montbleau asked that the applicant's engineer be allowed to speak to the comments/questions as there was a lot of information being told to the Board.

Mr. Gendron began by speaking about the comments pertaining to drainage. He told the Board he reviewed the engineer's letter (Earl Sanford, P.E.) provided by the abutter's Attorney (Attorney Shepard). He understood Mr. Sanford reviewed properties on Greeley Road (Gagnon, Gulbicki and some of the surrounding properties) and Marsh Road (Ramos) and found *in conclusion the erosion and drainage issues along and through the east side of the Gagnon land (13 Greeley Road) down to the Ramos, and 160 Marsh Road, would not be effected by any change in the Gulbicki property and there would be no appreciable improvement at the Bergeron - 160 Marsh Road property from conversion of impervious area to pervious grassed area on the proposed new Gulbicki lot.* Mr. Gendron summarized that the engineer's (Mr. Sanford) letter was saying it wouldn't make a difference (one way or another) whether they cut a few trees and developed the applicant's property with one single-family home. He explained the engineer's (Mr. Sanford) letter was saying this because he used a program called HydroCAD that looked at a large drainage area for that neighborhood and by doing a small change within the large area really wouldn't come out as anything.

Mr. Gendron stated during the Zoning Board hearings they spoke about drainage quite a bit and agreed to cut down on impervious areas by getting rid of some existing paved areas within the lot. They also agreed and put on the plan currently in front of the Board, house gutters and mini dry wells to infiltrate all rainwater coming off the roof. He pointed out they were doing more than just building a house and letting drainage run onto the ground. Mr. Gendron told the Board he couldn't change the pattern for where existing drainage flowed. He understood they couldn't increase (and have a higher) water flow off their lot from what was currently existing. He reiterated he couldn't change existing drainage patterns on properties. He said if Ms. Ramos had an existing drainage issue, nothing he did would change it. He could try to alleviate runoff from the applicant's property, but he couldn't fix Ms. Ramos' problem on the applicant's lot.

Mr. Gendron said he wanted to discuss the frontage issue with Greeley Road. He explained Greeley Road was an older road, a lot like Bush Hill Road and other older country roads bound by stone walls. He referenced a recorded plan from 1987 (that was displayed for review) which showed the frontage at that time is exactly what it is today. He noted the Town had a 200ft. requirement on frontage at the time the plan was approved/signed by the Planning Board Chair/recorded in 1987. He felt it was worthy to note Mr. Gagnon (13 Greeley Road) owned the applicant's property at the point the it was subdivided. He pointed out the 1987 plan showed an existing driveway, not an easement. As far as Mr. Gendron knew, there was no Town owned parcel between the applicant's lot and Greeley Road that had to be crossed to get to Greeley Road. He understood the 'sag' in the right-of-way and provided the Board with a copy of the Town's tax map of the area. He reiterated there was no separate parcel that needed to be crossed to access the applicant's parcel. He said he would be happy to look at it if someone had something for him to look at. He added his surveyors looked at the plan and put their stamp on it; they believe the frontage today is exactly the way it was in 1987 when the plan was approved and recorded by the Planning Board.

With regard to frontage, Mr. Cote wanted to know if it was correct to assume property would be added to existing property if a road is changed or if it remained Town property. Mr. Montbleau said he heard, with regard to a subdivision occurring on Currier Road, the (existing) road was being readjusted in front of a homeowner's property. His understanding was the homeowner's front lawn was being brought forward to the road and the (additional land) would then become part of the homeowner's property. At the time this was discussed, the homeowner wanted to know if their taxes would be increased; however, he never heard the answer. There was a similar occurrence on Valley Hill Road. Mr. Montbleau understood those pieces that were cut off (on Greeley Road) in order to straighten a road out went to the homeowners. Mr. Doherty added that was normally the case. Mr. Montbleau then referenced the documents provided to the Board with regard to the Zoning Board's decision, an appeal and a Superior Court finding.

Mr. Doherty asked if anyone else from the public wanted to speak.

Mr. Sean Harrington, 7 Greeley Road thanked the Board for conducting the meeting and allowing remote calls, so people were able to keep social distancing. After hearing the entirety of the arguments on all sides, he had a

question regarding frontage. In looking at the tax maps he found very few parcels with less than 200ft. of frontage. He said it seemed like areas such as Little Island Pond, private driveways and a few small sections have less than 200ft. He was curious why a subdivision/additional lot would be allowed with 56ft. of frontage, especially given the constraints in the neighborhood with the well radius (Alfred Gagnon property) and the water issues behind all the houses on Greeley Road that lead to Marsh Road. He said they all knew that new development alters water, the course water and the runoff from the property, if its not controlled right, would increase. Mr. Harrington said of his two questions, the first/foremost was in regard to frontage and why a parcel was being considered for 56ft of frontage for an additional lot in an already full subdivided area of Town. Then moving on to the water issue, he said it would be addressed by experts. He commented the water issue was substantial in their area. He said it was substantial in his yard and Alfred Gagnon's yard. He had seen it run off the Gulbicki property onto the back of the Gagnon property. Mr. Harrington went back to his main issue of frontage and wanted to know if there was now a precedent for parcels to be allowed on such a short amount of frontage.

Mr. Doherty said they were near the allotted time for the case, but felt the remaining case may be quick, therefore he asked if there were any other members of public that would like to speak. No one came forward or voiced a desire to speak.

Mr. Gowan informed that any citizen of the Town who wished to seek Zoning relief from Zoning had an opportunity to try to do so. In this case, Zoning relief was sought and achieved; the decision was appealed but the judge upheld the Town's decision on the variance. He recommended sending Town Counsel the information and representation received from the abutter's counsel along with the Zoning appeal and Superior Court decision. He felt it would be a good idea to seek legal advice moving forward.

Mr. Bergeron felt Mr. Gowan made a good point and suggested there is further explanation given to the abutters (who asked about frontage) as to why the Board was bound to the decisions and reviewing the plan. He pointed out to the applicant the areas of Zoning they sought relief from (and were granted) for frontage; however, they missed page 3 of the Zoning Regulations Section 307:6-10 – Definition of Frontage. He said the definition of frontage was specific as being the area from which the lot is accessed. He knew the plan showed a common driveway; however, in his opinion the Board shouldn't consider a common driveway because the applicant wasn't granted relief from what the word 'frontage' meant. Mr. Bergeron had a problem with the application in front of the Board because the Planning Board didn't deal with relief from Zoning. He said the plan didn't reflect access as being from the lot's frontage.

Mr. Bergeron noted the map and lot numbers on the plan weren't accurate. Mr. Gendron understood it was map 34 not map 2. Mr. Bergeron inquired who witnessed the test pits. Mr. Gendron replied Gifford Colburn from Keach Nordstrom was the witness for all of his test pits because Paul Zarnowski, the Town's Health Inspector worked for Herbert Associates. Mr. Bergeron said the Board sees multiple applications from Mr. Gendron's firm and saw different terminology was used to describe the test pit results. The word 'ledge' wasn't used and the words 'no refuse' were referenced. Mr. Gendron spoke about the three test pits. Test pit one was for the existing home with existing septic system. The new lot had two test pits with the description of the soil being referenced. He explained the information contained in the documentation and said they encountered 'no refusal' (no ledge) at 6.5 feet and stopped digging. He said they were fine and met the regulations; all three test pits had 'no refusal' and the water tables for each were 4+ feet.

Mr. Bergeron asked if everyone on the Board understood his concern about the common driveway and his belief the Board couldn't proceed with such as they could only abide by Zoning and the applicant didn't seek relief from Section 307:6-10 (Definition of Frontage). Mr. Gendron told the Board he could add another driveway and check the sight distance. He had no objection doing so and coming back in front of the Board. In Mr. Bergeron's opinion doing so would prevent less confusion of ownership. Mr. Gendron believed he had sight distance to have a separate driveway and would put another one in.

Mr. Montbleau confirmed the Board would send information to Town Counsel (as discussed by Mr. Gowan earlier). Mr. Gowan told the Board he would send everything the abutter's attorney submitted for Town Counsel's opinion. Mr. Doherty said it would be up to the Board if they wanted to make a motion to send information to Town Counsel.

Mr. Cote questioned why Mr. Gagnon had to get permission from the Town to cross when other parcels didn't need that same permission. Mr. Doherty said he couldn't answer (specifically) but assumed they (applicant) owned the property (in front of their parcel).

Mr. Montbleau wanted to know where the Board was at with the plan, which was a simple two-lot subdivision with a Zoning Board finding and (Superior Court) judge finding. Mr. Doherty said the Board didn't know if the applicant had the proper sight distance (for second driveway). He said they currently had a plan for a common driveway and as Mr. Bergeron pointed out the applicant didn't seek the additional variance (for frontage definition). He said the Board needed to verify the information. Mr. Gowan noted the plan hadn't been accepted for consideration. Mr. Bergeron didn't feel the Board could accept it for consideration if it wasn't a legal application before the Board. He commented they didn't have a driveway with a proven sight distance; the driveway shown on the plan was in direct violation of the definition of frontage. Mr. Gowan thought the Board was satisfied with the manner the applicant spoke about addressing the driveways. Mr. Bergeron replied it hadn't been addressed. Mr. Montbleau inquired if they could do it (accept the plan for consideration) subject to sight distance. Mr. Doherty asked if there was a motion for separate driveways.

Mr. Montbleau made a motion to accept the plan for consideration subject to the applicant separating the common driveway (into two driveways). Mr. Doherty heard no second. Mr. Gowan said without accepting the plan for consideration would deny the plan and the applicant would have to resubmit. Mr. Bergeron said the Board had not accepted plans before and asked Mr. Gowan if it would require renotification. Mr. Gowan said if a plan isn't accepted for consideration it couldn't be continued, it would need to be re-noticed. Mr. Doherty asked if that's what the Board wanted to do. Mr. Bergeron heard Mr. Gowan indicate if the Board doesn't accept the plan for consideration it would need to be re-notified. Mr. Montbleau asked if the Board could accept the plan for consideration subject to sight distance verification. Mr. Bergeron didn't want to 'cross the bridge' of having a proposal in front of them that didn't conform to Zoning. He said they weren't the Board of Adjustment and couldn't grant waivers to everything; they can only stay within the framework of Zoning.

Mr. Culbert asked if the Board could accept the plan for consideration with the applicant saying they will put two driveways in. Mr. Bergeron said if it was submitted that way he could accept it as a motion. Mr. Doherty believed Mr. Montbleau's motion was to accept the plan for consideration if it comes back with two driveways. He asked if anyone wanted to second the motion. Ms. Kirkpatrick seconded. Mr. Cote asked who made the motion. Mr. Doherty replied Mr. Montbleau made the motion earlier and now Ms. Kirkpatrick was seconding. Ms. Kirkpatrick said her second was for consideration because the plan would be tabled until another meeting.

MOTION: (Montbleau/Kirkpatrick) To accept the plan for consideration with a condition that the applicant separate the common driveway into two driveways.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick – Yes
Mr. Montbleau – Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Doherty asked the Board if they wanted to send the information to legal (as spoken about by Mr. Gowan earlier).

MOTION: (Montbleau/Dadak) To send the information received by the abutter's counsel (pertaining to frontage) to Town Counsel (John Ratigan).

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick – Yes
Mr. Montbleau – Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Gowan told the Board a lot of items were stacked on the agenda for May 18th and suggested they date specify the case to June 1, 2020. There was no objection by the Board or applicant.

9:00pm-adjournment

Case #PL2020-00001

RANGE ROAD ESTATES, LLC - Mammoth Road - Seeking an Extension of Site Plan Review of proposed 29-Unit Elderly Housing Community and Special Permit for Wetland Conservation District ('WCD') Crossing for grading and drainage. *Previously approved on August 20, 2018*

Mr. Gowan read the list of abutters aloud. There were no persons present or via telecommunication who hadn't been notified who asserted standing in the case.

Representing the applicant was Shayne Gendron of Herbert Associates. He explained since the Board had approved the plan they were working through their approvals. He said they had worked for quite a while on the Alteration of Terrain ('AOT') permit and the State driveway permit. They now had all their permits in hand and were ready to get going on the project.

Mr. Doherty told the new members of the Board it was sometimes difficult to get through the State process. He said if the applicant had been able to begin work, they would already be vested. He felt the request was straight forward and the Board granted extensions all the time.

Mr. Gowan pointed out there was a list of conditions associated with the approval of August 2018. He said once the Board accepted the request for consideration and opened discussion to public and Board comments, he recommended granting an extension for one year from the present date. Given the present circumstances (with COVID-19), Mr. Doherty wanted to know if one year would be enough. Mr. Gendron replied they had all their State approvals and were just finishing up with Keach Nordstrom (Board's engineering review firm). He believed they would start construction before a year was up.

MOTION: (Montbleau/Bergeron) To accept the plan for consideration.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick – Yes

Mr. Montbleau – Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote - Yes

(7-0-0) The motion carried.

Mr. Doherty stated the Board would definitely want to place the same approval conditions on the extension. Mr. Gowan said it could be done by a motion making reference to the August 20, 2018 Notice of Planning Board Decision.

Mr. Bergeron wanted to know in what section of the regulations the one-year time limit was specified. Mr. Gowan said the part of the plan that didn't happen was the plan being bonded/recorded one year from the date of approval. Mr. Bergeron recommended giving the applicant a grace period due to the present COVID-19 situation. He suggested granting the applicant one year from the time the COVID-19 situation is cleared up.

Mr. Doherty invited the public to comment either in person or via telecommunication. No one came forward or voiced via telecommunication a desire to speak with the Board.

Mr. Culbert suggested giving the applicant a two-year extension from today's date. Mr. Bergeron understood the applicant had gone out of their way with the project and felt it was an exemplary good one. He said he would make the motion.

Mr. Gowan read aloud a portion of Section 202-7 Issuance of Decision, Plats, Recordings which indicated a conditionally approved application has a six (6) month timeframe to satisfy such or seek extension from the Board. He noted the Board had the authority to take the action they were getting ready to do. Mr. Doherty said the Board would have to do something about the timeframe because six months wasn't enough.

MOTION: (Bergeron/Montbleau) To extend the plan (approval) two (2) years from April 6, 2020 with the conditions contained in the August 20, 2018 Notice of Planning Board Decision.

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick – Yes
Mr. Montbleau – Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote - Yes

(7-0-0) The motion carried.

DISCUSSION

Mr. Bilapka asked if the Board would conduct two meetings in June. Mr. Doherty said the Board would have to discuss their meetings. He believed over the next couple weeks/months they would know more. Mr. Gowan stated the Board had a lot of leeway until such time Governor Sununu rescinds his emergency order.

MEETING MINUTES

March 16, 2020

MOTION: (Montbleau/Cote) To approve the March 16, 2020 meeting minutes as amended.

ROLL CALL VOTE: Mr. Doherty – Yes
 Mr. Bergeron – Yes
 Ms. Kirkpatrick – Yes
 Mr. Montbleau – Yes
 Mr. Dadak – Yes
 Ms. Masse-Quinn – Yes
 Mr. Cote - Yes

(7-0-0) The motion carried.

ADDITIONAL DISCUSSION

Mr. Gowan reminded the newly appointed alternates to be sworn in by the Town Clerk.

Mr. Doherty asked Mr. Gowan to send notification out for the site walk date change to May 16, 2020. Mr. Gowan said he would notify everyone of the change from April 20, 2020 to May 16, 2020.

Mr. Cote spoke about how the Board had a lot of power in the way the Town is developed and asked members for more participation. He understood in the past they had cross-over members to other boards and told them the Selectmen felt, for transparency and to flow information throughout the Town, they should have cross-over members to the Zoning Board and Conservation Commission. He informed the Selectmen recently held a spot on the Zoning Board to see if anybody from the Planning Board would be interested in being a cross-over member. Mr. Gowan said anyone interested should submit a volunteer application to the Board of Selectmen. He believed alternates could also apply.

NON-PUBLIC SESSION - If requested in accordance with RSA 91-A:3

Not requested.

DATE SPECIFIED CASE(S)**May 18, 2020**

- 1) Case #PL2019-00029 - Map 31 Lot 11-33 & Map 31 Lot 11-37 Access Lot - KLECZKOSKI, Charles Jr. (Owner) / AMERICAN TOWERS, LLC (Applicant) - Off Spring Street
- 2) Case #PL2020-00003 - Map 27 Lot 3-125 - COREY CONSTRUCTION, LLC - 499 A & B Mammoth Road

June 1, 2020

Case #PL2020-00007- GULBICKI, John & BREault-GULBICKI, Lesa - 17 Greeley Road

SITE WALK – May 16, 2020 beginning at 10am

Case #PL2020-00003 - Map 27 Lot 3-125 - COREY CONSTRUCTION, LLC - 499 A & B Mammoth Road

ADJOURNMENT

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

ROLL CALL VOTE: Mr. Doherty – Yes
Mr. Bergeron – Yes
Ms. Kirkpatrick – Yes
Mr. Montbleau – Yes
Mr. Dadak – Yes
Ms. Masse-Quinn – Yes
Mr. Cote - Yes

(7-0-0) The motion carried.

The meeting was adjourned at 9:42pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary

A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency

As Chair of the Pelham Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is a physical location to observe and listen contemporaneously to this meeting. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting.¹ All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #646-558-8656 / Meeting ID: 10:700 835 484 and password 006 310; , or by clicking on the following website address: Zoom.US.

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Board and Planning Department at: pelhamweb.com

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call 603-508-3089 or email at: jgowan@pelhamweb.com

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

¹ Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting comply with the Right-to-Know law and any applicable due process requirements. In certain circumstances, a regular business meeting of a public body may be conducted utilizing audio-only technology. If you have any questions about the appropriateness of the technology utilized to conduct your meeting, please consult your agency counsel or the Attorney General's Office.

