

APPROVED

**TOWN OF PELHAM
PLANNING BOARD MEETING MINUTES
October 21, 2019**

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

Secretary Cindy Kirkpatrick called the roll:

PRESENT: Roger Montbleau, Paul Dadak, Cindy Kirkpatrick, Jim Bergeron, Tim Doherty, Derek Steele (elected as a full member during meeting), Selectmen Representative Hal Lynde, Alternate Richard Olsen, Alternate Samuel Thomas, Alternate Bruce Bilapka, Planning Director Jeff Gowan

ABSENT: Alternate Paddy Culbert

PLEDGE OF ALLEGIANCE

ADMINISTRATIVE

Per RSA 673:12, the chair will accept nominations and the Board will vote on an alternate to fill the vacated seat until the March 2020 election.

Mr. Montbleau informed two applications were received for ‘volunteer positions’ from alternate Board members Derek Steele and Bruce Bilapka. The Board’s other alternate members declined to apply for the vacancy.

Mr. Dadak nominated Derek Steele. Ms. Kirkpatrick seconded.

Mr. Montbleau appointed Mr. Olsen to vote during the evening’s proceedings.

Vote: (5-1-1) Mr. Bergeron voted in opposition. Mr. Doherty abstained.

Mr. Steele accepted the position.

The Chair will accept nominations and a vote for the position of vice-chair until the March 2020 election.

Mr. Olsen nominated Mr. Dadak for Vice Chair. Ms. Kirkpatrick seconded.

Vote: (7-0-0) All in favor.

Mr. Dadak accepted the position.

MEETING MINUTES

October 7, 2019

MOTION: (Doherty/Lynde) To approve the October 7, 2019 meeting minutes as amended.

VOTE: (7-0-0) The motion carried.

JOINT MEETING

PELHAM PLANNING BOARD & ZONING BOARD OF ADJUSTMENT**PB Case #PL2019-00027****ZB Case #ZO2019-00019****Map 22 Lot 8-31**

C&T BEAUREGARD LAND HOLDINGS, LLC – 91 Main Street - Applicant is seeking from the Board of Adjustment a Variance concerning Article III, Section 30712 of the Zoning Ordinance to permit the removal of existing 30' x 40' metal and canvas building and construct a new 34' x 84' metal building on an undersized lot.

If the variance is granted the applicant is seeking a Site Plan Review to remove the existing 30' x 40' metal and canvas building and to construct a new 34' x 84' metal building in the Commercial Zone.

The applicants Chad Beauregard and Tim Beauregard came forward.

Mr. Doherty made a motion to accept the plan for consideration. Mr. Lynde seconded.

Ms. Kirkpatrick read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read. Mr. Al Demers, 109 Main Street, came forward to tell the Board he hadn't received notification of the previous meeting. He began to give testimony. Mr. Gowan suggested he wait until the hearing was open to public input. Mr. Montbleau confirmed with Mr. Demers that he received notification of the current meeting. Mr. Demers answered yes. Mr. Montbleau told Mr. Demers he would be called forward at the appropriate time. Mr. Demers told the Board he was against the proposal to put the building up. Mr. Montbleau reiterated his question as to whether Mr. Demers received certified mail notification of the current hearing. Mr. Demers answered yes. Mr. Montbleau explained the hearing process.

MOTION: (Doherty/Lynde) To accept the plan for consideration.

VOTE: (6-1-0) The motion carried. Mr. Bergeron voted in opposition.

Mr. Bergeron raised a point of order and referenced RSA 676:2 – joint meetings by reading a portion of which aloud. He pointed out the applicant had to petition for a joint meeting and went on to ask the applicants if they had requested the meetings. Mr. T. Beauregard told the Board they hadn't requested the meetings. Mr. Bergeron questioned why a joint meeting was being conducted if the applicant did not apply for it or seek it.

Mr. Montbleau understood the applicant had gone in front of the Zoning Board with their request; the Zoning Board asked the Planning Board to hear the case together to get all the information out and in fairness to the applicant to hear it together. Mr. Bergeron suggested the Board could be proceeding with an illegal meeting if the applicant didn't seek the meeting on their own. Mr. Gowan suggested reading RSA 676:2, I (page 474) in its (joint hearings) in its entirety. He read the section aloud which read '...each board shall have the authority on its own initiative to request a joint meeting'. Mr. Bergeron stated the Board wasn't asked to hold a joint meeting. Mr. Gowan replied the Chair sets all agendas; the Chair was asked to conduct a joint hearing and set it on the agenda. Mr. Bergeron commented that the Board would need to 'clean up' their ByLaws. Mr. Doherty noted the Statute indicates that each board is to adopt rules/procedure for joint meetings/hearings. Mr. Bergeron said the Board didn't have it. Mr. Gowan replied it (rules/procedure) may not be written in the ByLaws but for a number of years the Boards had an established procedure for joint hearings based on step-by-step advice from Town Counsel. He stated they didn't conduct joint meetings often. Mr. Bergeron stated the reason for his point of order was to have the Board clarify joint meetings with their rules/procedures and make sure they are in agreement with the Zoning Board of Adjustment's rules/procedures. He stated joint hearings were serious business and felt they should be held because of something with great importance not for a simple waiver to Zoning.

Mr. Montbleau stated he was asked to conduct a joint meeting and he agreed because the Board had conducted joint meetings in the past; the request didn't seem abnormal. Mr. Bergeron said if there was no objection from the applicant and the Board would follow a precedent for rules/procedure, he was fine with the meeting. Mr. Montbleau stated the Board should get an opinion from Town Counsel. Mr. Gowan pointed out that the Planning Board couldn't proceed unless the Zoning Board conducted their hearing. He noted the Zoning Board requested the joint hearing. He added that the joint meeting was properly noticed and posted.

Mr. Doherty read section 1, B – special meetings aloud from the Board's ByLaws. He said if the Board came to a consensus that they were conducting a special meeting they could potentially go forward if there was no objection from the applicants. Mr. Bergeron said he would be willing to go along with the Board if they had a consensus and the applicant didn't object. Mr. Gowan noted it was typically to the applicant's advantage to conduct a joint hearing because both boards would be present to hear what was being said. He also felt it would be important for the applicants to indicate if they were comfortable proceeding with a joint hearing.

Mr. Montbleau asked the applicants what they would like to do. Mr. C. Beauregard stated they would like to proceed. Mr. Montbleau asked the applicants to submit something in writing indicating they would like to proceed. He asked if doing so would satisfy the Board. Mr. Bergeron said he would go along with it if there was a consensus by the Board. However, he still felt they should address language within their ByLaws for such. He asked if the Planning Board took part in the discussion while the Zoning Board was meeting with the applicant. Mr. Montbleau explained the process of conducting a joint meeting. Mr. Bergeron understood the Planning Board members could participate from the public during the Zoning Board's meeting. Mr. Doherty answered yes; Planning Board members could participate as a member of the public when the Zoning meeting was opened to public input.

Mr. T. Beauregard submitted their written statement confirming their desire to proceed with the hearings.

Mr. Gowan further explained the joint hearing process. Mr. Doherty made note when the Mixed Use Zone District ('MUZD') was set up and placed on the ballot they specifically let the public know that undersized lots wouldn't have to go in for variances to be considered 'commercial use' because it would put them in a hardship position. He said they shouldn't have set up a district that put individual (undersized) lots in a hardship position because they were undersized at the time the zoning changed. Mr. Gowan stated the creation of the Town's business districts (except for district 5-MUZD) predated his position (as Planning Director) and the current Board members. He noted the property (being discussed) could have evolved over time from a mixed business/residential to the present business. He understood it was a challenge; essentially, the Zoning Board would decide 'if' the request is granted, the Planning Board decides 'how' it could be done.

Mr. Lynde believed the Board should turn the meeting over to the Zoning Board because if they turn it down the Planning Board won't need to do anything.

Mr. Montbleau recessed the Planning Board meeting to allow for the Zoning Board to convene their meeting. He stated the Planning Board would reconvene after the Zoning Board concluded their business.

The Planning Board stepped down. The Zoning Board of Adjustment came forward.

**TOWN OF PELHAM
ZONING BOARD OF ADJUSTMENT MEETING
October 21, 2019**

Chairman Bill Kearney called the meeting to order at approximately 7:37pm.

Secretary Diane Chubb called roll:

PRESENT: Bill Kearney, Svetlana Paliy, Diane Chubb, David Hennessey,
Alternate Deb Ryan Planning/Zoning Administrator Jennifer
Beauregard

ABSENT: Peter McNamara, Alternate Matthew Hopkinson, Alternate Heather
Patterson, Alternate John Westwood

Mr. Kearney appointed Ms. Ryan to vote.

CONTINUED HEARING

ZB Case #ZO2019-00019

Map 22 Lot 8-31

C&T BEAUREGARD LAND HOLDINGS, LLC – 91 Main Street

(Case specifics listed under Planning Board hearing)

Mr. Kearney noted the hearing was a continuance of a case they initially heard in September. He described the hearing process. He asked the applicant to provide an overview of their request.

Mr. T. Beauregard stated they were seeking the Board's permission to build an 84ftx34ft building on an undersized lot. Mr. Kearney asked if there was any additional input since the Board's last meeting. Mr. T. Beauregard answered no and stated nothing had changed.

Ms. Paliy asked if they were given the Planning Board's original stipulations (from 2016). Ms. Beauregard reviewed the Planning Board's motion for Site Plan approval: *"Conditioned upon Fire Department inspection of the suitability of the rental apartment and access to the building for the business. Mr. Gowan clarified that the business would not be selling cars and/or trucks (not commonly related to construction)."*

Ms. Chubb understood the Planning Board had discussions regarding the display area and what area needed to be left alone. She said that's why they suggested conducting a joint meeting because the proposed building would be bigger and take up more of the space. She said the Zoning Board wanted to know how the display area and number of vehicles would be affected by granting the request.

Ms. Beauregard then read aloud the conditions contained in the 'Notice of Planning Board Decision' dated August 15, 2016:

- 1) *The Fire Department must sign-off on the proposed site plan configuration to ensure adequate emergency access;*
- 2) *Any equipment to be displayed in public view must be located within the two display areas depicted on the applicant's plan as submitted to the Planning Board;*
- 3) *No non-functioning, unusable or "parts" vehicles or equipment may not be kept anywhere on the property and any equipment not for sale must be removed from the property within 30 days;*
- 4) *The Applicant will work with the Planning Director to establish visible demarcation of the two display area boundaries.*

Ms. Chubb asked if there was a limitation to the number of vehicles that could fit in the 'display area'. Ms. Beauregard replied the Planning Board didn't put a stipulation for the number of vehicles.

Mr. Hennessey spoke to the Planning Board's earlier question as to why there was a joint hearing, which was answered within the Zoning Board's meeting minutes from September 9, 2019. He noted the applicant's business model had significantly changed since 2016. He said at the time the business was going to be primarily

on-line. Mr. T. Beauregard replied their business is still done 90% on-line, although (once purchased) people come to the site to pick up their vehicles. Mr. Hennessey stated at the time he voted in favor of the original variance; he personally didn't think the density would be as it currently was. He said the Zoning Board often requested that the Planning Board stipulate (during site plan review) hours of operation, coverage of lot and such. He said because of the original business plan the Zoning Board didn't do so; however, they had received testimony from abutters and comments from the community regarding the density of the corner lot and heard from the applicant about business hours being from 9am to 9pm. Mr. T. Beauregard stated they had watched the recording of the original Planning Board meeting. During that meeting they spoke about hours being 7:30am-9pm Monday-Friday, 9am-6:30 Saturday and 9am-5pm Sunday. Mr. Hennessey believed the Planning Board along with the Zoning Board understood they would primarily have an on-line business. He said those hours were extraordinarily broad to allow. He spoke about a recent case regarding a business on Fletcher Road which had expanded work hours that the Zoning Board denied based on abutter input against vehicle repair work being done during the requested time frame. He said his original motion (during the previous meeting) was to conduct a joint site walk, then the suggestion was made to conduct a joint hearing so both boards could hear the testimony and same set of facts brought forward. Mr. Hennessey stated it was not up to the Zoning Board to stipulate hours of operation, number of vehicles, etc.; however, they could ask the Planning Board to do so. He didn't intend for the applicant to have further burden; his intent was to conduct one set of hearings so the applicant wouldn't have to go back and forth between the boards.

Ms. Paliy questioned if the Board 'asked' or 'recommended' to have a joint meeting. She didn't feel she had the power to subpoena somebody or make them do something they don't want. Mr. Hennessey replied the Zoning Board can request a joint meeting with the Planning Board; the Planning Board can turn it down. In this case he said the Zoning Board requested a joint meeting. He noted if they had turned them down the Zoning Board would have proceeded with their case separately. Ms. Paliy said she was trying to make a legal point. She said the Planning Board asked the applicant a legal question and within seconds expected a legal answer. She went on to say she believed the Zoning Board recommended the joint hearing because they felt there were missing facts. She pointed out the applicant requested a joint hearing through their action of submitting their paperwork to the Planning Board. She said by the applicant making that choice, they requested the joint meeting. During the present hearing she felt the applicant was put in a precarious position when the Planning Board asked them a legal question (of proceeding with the joint meeting) and wanting them to answer without receiving legal advice. She believed their answer may have been different if they had legal representation.

Mr. Kearney asked Ms. Paliy what she was asking. Ms. Paliy replied her point was the Zoning Board was having a joint meeting because they needed some input from the Planning Board. Ms. Chubb understood Ms. Paliy was indicating they were conducting a legal joint meeting because the applicant requested it by submitting their paperwork to the Planning Board for jurisdiction. She stated the applicant requested a joint meeting; the Board was there legally. Mr. Kearney agreed. He said he wanted to do the right thing for the applicants and the Town.

PUBLIC INPUT

Mr. Jim Bergeron, 27 Plower Road told the Board he owned a home and a business on Route 38 and his family also owned a business on Route 38. He explained the reason he made an issue regarding the request was because he felt the applicant had done their job and come through the proper channels. He said as a 'quasi-judicial' board, the Zoning Board should look the applicant's request relating to lot size. He stated he researched the lot, which existed when zoning was established. In his opinion, the applicant's request was well within reason and the work done by the Zoning Board of Adjustment to either grant or deny the variance. Mr. Bergeron said the case on Fletcher Drive, referenced by Mr. Hennessey, was in a residential district; in comparison was 'apples' to 'oranges' with the applicant's request. The applicant was located in the business district; the discussed use was allowed in that district. He stated the Board had granted expansions and coverage of lots to businesses over 1,000% of what they originally were when zoning was inceptioned in 1950. In this time the Board hasn't asked any of them about their hours of operation or expansions of their lots. He stated the Board had a history of being generous in allowing those things to occur with some controls. There were established precedent setting cases.

As a citizen, Mr. Bergeron didn't see anything within the applicant's request that should be difficult to grant. He spoke in favor of the applicant's request and didn't feel it needed to be 'dragged out' because precedent had been set. Speaking for himself as a Planning Board member, Mr. Bergeron felt they could work with the applicant to be sure they were a welcome asset to the community.

Mr. Al Demers, 109 Main Street came forward to speak in opposition of the request. He said the situation had been going on a long time; since 2016 when the applicant received their first variance. He pointed out the variance didn't allow working on vehicles or operating hours. He said the variance was granted to allow a business for the sale of construction equipment only. He noted the applicant had since gone way beyond that and now was seeking an additional variance to construct a garage that would be bigger than a house. He said he's been making complaints since 2013. Mr. Demers felt the lot looked like a carnival site with all the equipment and didn't feel it was right. He's resided in Pelham for twenty-five years and was unsure how many variances were allowed for one piece of property. He was tired of trucks accessing the lot during the night and felt the business should operate during reasonable hours.

Ms. Chubb stated the Zoning Board was not bound by any particular precedent; a decision made today had no bearing on previous decisions. Every property is different with its own considerations. This was the approach taken since she's been on the Board and she didn't see why it would change. Ms. Chubb wanted to know if the property was ever residential. Ms. Beauregard believed it had been a mixed residential and commercial use. The property is in the business district; both uses are permitted. Ms. Chubb appreciated Mr. Demers' concerns about noise and reasonable hours; however, the business was operating in a business district and that was to be expected. She commented changes to zoning were done through a vote by the Town. At some point the Town made a decision to approve the area as 'commercial'. Ms. Chubb was concerned with testimony that 90% of the business was on-line sales yet the applicant wanted to build a building that was bigger than what they had. She understood the need to redo the building for energy efficiency but wanted to know why it had to be bigger. She also wanted to know the plan for the building's usage. She heard testimony during their previous hearing that the applicant would be doing repairs inside the building. If that is the case, she would like the Board to request that the Planning Board put some specification on those kinds of services. She said on-line sales could be done at any time of day. She reiterated her request for the Planning Board to take up stipulations for any activities that weren't on-line sales.

Ms. Paliy cautioned doing so given after a buyer purchases equipment there would be no restriction on when they picked it up. Ms. Chubb replied that would be the Planning Board's purview to set hours.

Mr. Hennessey believed the applicant met the hardship criteria. Because of the admitted change in the scope of the business since 2016 he wanted the joint hearing so the Planning Board would be aware of the concerns. He said the comment that the location was now a general business area and the business was doing well, he didn't want to hinder it, but the business had changed since 2016. He asked the Planning Board to consider putting appropriate controls in terms of hours and display area because those things were under the Zoning Board's purview. He reiterated his belief that the applicant met the hardship criteria and stated he would vote in favor of the variance. He hoped the Planning Board would set appropriate hours because he didn't feel seven days per week was. He also hoped they reviewed the 'showing' area.

Ms. Chubb understood that the proposed building would be bigger and didn't know how it would affect the display area. She asked the Planning Board to review that area and how it would change with a larger building.

Ms. Paliy felt the applicant met the criteria and noted it was a high-traveled commercial area. Opposite from the applicant was a hardware store (Pelham Plate Glass) which was a large area and expanding. She pointed out it was a commercial/industrial-type area and added that the applicant's lot was more visible because of how high (slope) was at the corner (intersection). She felt property values were raised by having the area commercial/industrial. She understood people may want things to stay as they were, in her view the property

faced hardship because of the height of the property and its visibility. She said she would be voting in favor of the variance.

Mr. Kearney understood from testimony that the light repair work would ‘ramp’ up and increase. He asked the Planning Board to take the repair activity into consideration as the applicant expected that portion of their business to increase. Mr. T. Beauregard confirmed they expected repairs to increase. Mr. C. Beauregard didn’t know where it would take them. He hoped they would have more than one (repair) employee; their goal was to produce more and increase truck turnover while keeping the aesthetics of the property into the show area. Mr. Kearney said the hours of operation for the repair portion of the business was important. Mr. T. Beauregard noted the garage wouldn’t be used just for repairs. He said they had a ‘detailer’ for vehicles, and they wanted to house their tow truck inside.

Ms. Chubb asked if the Board should make a motion stating their request to the Planning Board. Mr. Kearney stated the business had morphed and it was an opportunity for the Planning Board to hear the Zoning Board’s concerns as they proceed forward.

MOTION: (Chubb/Hennessey) To request that the Planning Board take up issues regarding: hours, coverage of the lot, density, overall aesthetics of the property, lighting, security and any other issues the Planning Board sees fit.

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

BALLOT VOTE Mr. Kearney – Yes to all criteria
#ZO2019-00019: Ms. Paliy – Yes to all criteria
Ms. Chubb – Yes to all criteria with stipulation request to Planning Board
Mr. Hennessey - Yes to all criteria
Ms. Ryan – Yes to all criteria

(5-0-0) The motion carried.

VARIANCE GRANTED

Mr. Kearney noted there was a 30-day right of appeal.

MOTION: (Hennessey/Chubb) To adjourn the Zoning Board portion of the meeting.

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

The meeting was adjourned at approximately 8:18 pm.

PLANNING BOARD RECONVENED

Mr. C. Beauregard told the Board they proposed to remove a 30ft.x40ft. canvas building and replace it with a 34ftx84ft. metal/skin building. He explained the current building wasn’t energy efficient or pleasant to look at. The new building will be cleaner, better to look at and more energy efficient. It will allow them to operate out of the elements of the weather. He stated the proposed building would be used to house a tow truck and detail/repair equipment. Mr. T. Beauregard added there would be no sales or display area (within the building), just warehouse/garage space.

Mr. Lynde asked if they needed 24/7 use of the building. Mr. C. Beauregard replied the business hours they were currently allowed was: Monday – Friday 7:30am-9pm, Saturday 9am-6:30pm and Sunday 9am-5pm. Mr. Lynde wanted to know about the on-site lighting. Mr. T. Beauregard replied they had one light out front that

nearly lit the whole area; they have down-lighting in the rear that is seldom used because they left the site at approximately 5:30-6pm.

Mr. Dadak commented that the statements given indicated that there had been a significant change in the use of the lot since originally approved in 2016. He wanted to know if there were more on-site versus on-line sales. Mr. C. Beauregard replied their business was still 90%-95% on-line. He said they sold specialty equipment and didn't feel it would grab the attention of someone driving down Route 38. Mr. Dadak asked for clarification of the hours of operation; specifically, if there would only be people on the property during the specified hours or if business was being conducted during those hours (seven days per week). Mr. C. Beauregard replied business could be conducted during the specified business hours.

Mr. Doherty questioned if they planned to re-use the building elsewhere on the site that was being taken down. Mr. C. Beauregard answered no. Mr. Doherty asked if a portion of the new building would be within the current display area. Mr. T. Beauregard replied it would not be within the current display area. Mr. Doherty asked if it would affect the current dumpster location. Mr. T. Beauregard answered no.

Mr. Lynde recalled through past discussion there was a concern about conducting maintenance in the (additional) outside area. He asked if the building would do away with the need for such. Mr. T. Beauregard said if there was a flat tire, or stuck brake they would have to repair it at the Atwood Road site; only necessary simple repairs would be done.

Mr. Gowan noted 'technically' the proposal was a major site plan application. He felt the Zoning Board made a sound decision; however, he believed the Planning Board had a lot of work to do to scrutinize the site. He stated the Site Plan Regulations were clear on requirements for items such as a landscaping plan, lighting plan etc. Because the location was very heavily programmed space Mr. Gowan was concerned about stormwater runoff due to the additional impervious area of the building. He noted Tony's Brook was in close proximity and listed on the Town's MS4 as being an impaired brook (*this statement was later clarified to note Tony's Brook is near Pelham Plaza*). He recommended the Board require additional detail and felt the plan needed more indepth review for drainage, landscaping, etc. Mr. Montbleau concurred with Mr. Gowan. He recalled the applicant indicating during their original hearing there would be no repairs and no power washing. Mr. T. Beauregard stated they had done some power washing for a short time but discontinued doing so when it was brought to their attention they weren't supposed to be doing so. If the Board were to move forward, Mr. Montbleau believed they would be concerned about (various types of) fluid exchanges in the yard contaminating the property. He said if the Board agreed to allow repairs it would come with a lot of constraints and they would want details as to where/how fluids would be captured, what type of cleaning would be done (solvents or soap/water) etc. Mr. T. Beauregard described the manner in which they currently operated to capture fluid and noted the employees have watched videos (and signed off) on how to contain a spill. Mr. Montbleau described the capture/disposal process, which has oversight by the Department of Environmental Services ('DES'). He spoke about the problems that occurred at the Beatty Waste Oil site years ago; the clean-up was approximately \$85 million. He told the applicant they would need to have their hazardous waste captured, manifested and disposed of properly. He stated because they would be working on the vehicles, they would hold to a more stringent control. Mr. Dadak noted the emphasis is on 'prevention' not 'cleanup'.

Mr. Gowan spoke about how the Town was under new obligations from the Environmental Protection Agency ('EPA') that are daunting. He offered to sit with the applicant and review the Site Plan Regulations. He said the Board's engineer may have some recommendations; the applicant may need to hire a professional to help with other aspects of the plan. For the record, Mr. Gowan stated the applicant had been extremely cooperative with the Town and the Code Officer.

Mr. Montbleau commented that the business was on a major artery in Town. The business has turned out to be more than originally expected. He said it was a wonderful thing for the applicant to be successful and profitable; however, this was the stage they would need to 'dress up' the front of the property. He wanted to know the

average height of the trucks. Mr. T. Beauregard replied 12ft-13ft. Mr. Montbleau suggested having some sort of 4ft. fencing (slatted) or shrubbery for coverage; the vehicles would still be visible from the street but provide some coverage. The applicants indicated their understanding of the suggestion.

Mr. Doherty heard mention about Tony's Brook, which was located near Pelham Plaza (Atwood Road in the area of the new Dunkin' Donuts) approximately a half mile away. Mr. Gowan acknowledged and corrected his comment. Mr. Doherty noted if the property was within 250ft. of Beaver Brook, the applicant would need to meet Shore Land protection. Mr. Gowan didn't believe the site was within 250ft of Beaver Brook; however, it didn't change the need for the applicant to address runoff.

Mr. Bergeron believed the State installed underground drainage in the 1950s near the applicant's location. He said there was a system of storm drains that may run over to Rita Avenue/Tina Avenue. Mr. Gowan believed there was drainage but wasn't sure how exactly it ran underground. Mr. Bergeron pointed out some of the drainage cut his family's property in half. He wanted to understand how the site would 'play into' the existing drainage system. He asked if the State would take any responsibility for the system given some simply dead end at the edge of the road. During the current construction with Dunkin' Donuts, Mr. Gowan spoke with a Department of Transportation ('DOT') representative (during the Dunkin' Donuts construction) about concerns for a potential blockage in a 48-inch culvert (owned by the State) that crosses Route 38. He noted the State had to do their own MS4 which he hoped would dovetail with what the Town was doing; however, they have their own compliance issues to come up with.

Mr. Doherty pointed out the applicant's property was on a hill and didn't feel there would be a way to stop the water from leaving the site. Mr. Gowan described a manner in which water could be captured. Mr. Montbleau stated the Board's engineering review firm would be involved and make suggestions. Mr. Doherty wanted to know what was on the ground; if the site currently had an impervious surface. Mr. T. Beauregard stated the area was currently reprocessed asphalt. He told the Board they didn't plan to make any changes to the grade; the topography wouldn't change. He said the drainage would flow as it currently did; from the building down the side of the lot to the swale in front. By State's standard, Mr. Doherty pointed out a gravel road/driveway was considered the same impervious surface as asphalt or concrete.

Mr. Dadak wanted to have a site walk. He believed the proposed plan would create a greater intensity of runoff but felt there were ways to help control drainage. Mr. Montbleau questioned what was currently in the building to catch oils/contaminants. Mr. T. Beauregard replied under the building was currently just reprocessed asphalt. Mr. Bergeron wanted to know if the applicant intended to have a concrete floor. Mr. T. Beauregard said they were. Mr. Bergeron didn't believe the applicant would be allowed to have drains. He said they will have to contain and deal with fluids. He felt the proposal would be an improvement to the property and was in favor of conducting a site walk and having peer-engineer review.

Mr. Gowan discussed the difference between a minor and major site plan. He said the proposal was almost in between both. He suggested it be reviewed by engineering for practical suggestions for drainage and other concerns. He recommended the Board schedule a site walk. He will forward the plan to engineering review.

The Board scheduled a site walk for November 2, 2019 beginning at 9am.

Mr. Montbleau opened the discussion to public input. No one came forward. Mr. Bergeron questioned if the building rendering (included with Board information) was of the actual building. Mr. T. Beauregard replied it was from another location; it was the closest to the proposal he could find.

Mr. Doherty asked the applicant if he could review the site during business hours. The applicants answered yes.

The Case was date specified for November 4, 2019.

ADMINISTRATIVE**Map 14 Lot 3-81 61A - NASHUA ROAD LANDHOLDINGS, LLC – MAGLIO VILLAGE SENIOR HOUSING (PHASE I & II) – Nashua Road – Request for Bond Reduction**

Mr. Gowan told the Board that Jeff Quirk of Keach Nordstrom (Board's engineering review firm) had provided a recommendation for bond reduction.

Current Bond: \$140,459.45

Recommended Reduction: \$88,459.45

Remaining Balance: \$52,000.00

MOTION: (Doherty/Dadak) To reduce the current bond of \$140,459.45 by \$88,459.45 leaving an even balance of \$52,000.00 (for Map 14 Lot 3-81 61A - NASHUA ROAD LANDHOLDINGS, LLC – MAGLIO VILLAGE SENIOR HOUSING (PHASE I & II) – Nashua Road).

VOTE: (7-0-0) The motion carried.

DISCUSSION**Zoning Workshop**

Mr. Gowan stated in contemplating changes to the Accessory Dwelling Unit Ordinance, he and Mr. Bergeron drafted proposed language. The Board was provided with a copy for review.

Mr. Bergeron said as he and Mr. Gowan were asked (by the Board), they drafted language for accessory dwelling units for the Board to review. Based on previous Board comments, he said the language was drafted to make ADUs fit more with workforce housing.

The Board reviewed and discussed the proposed language (rev. September 25, 2019) contained within Zoning, Article XII – Special Exceptions and Article III – General Provisions. Mr. Gowan thanked the Board for providing feedback. He stated he would continue to work with Mr. Bergeron to update the language and bring it back to the Board for review at their next Zoning workshop.

REQUEST FOR NON-PUBLIC SESSION - if requested in accordance with RSA 91:A:3

Not requested.

SITE WALK(S): November 2, 2019 beginning at 9am

PB Case #PL2019-00027 - Map 22 Lot 8-31 - C&T BEAUREGARD LAND HOLDINGS, LLC – 91 Main Street

DATE SPECIFIED CASE(S): November 4, 2019

PB Case #PL2019-00027 - Map 22 Lot 8-31 - C&T BEAUREGARD LAND HOLDINGS, LLC – 91 Main Street

ADJOURNMENT

MOTION: (Lynde/Kirkpatrick) To adjourn the meeting.

VOTE: (7-0-0) The motion carried.

The meeting was adjourned at 10:10pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary