

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
January 18th, 2024**

Chairman Tim Doherty called the meeting to order at 7:00 PM.

Secretary Danielle Masse-Quinn called roll:

PRESENT ROLL CALL: Tim Doherty – present
Danielle Masse-Quinn – present
Joe Passamonte – present
Bruce Bilapka – present
Selectmen’s Representative Charlene Takesian – present
Alternate Hal Lynde – present
Alternate Paddy Culbert – present
Alternate Scott Sawtelle – present
Alternate John Spottiswood – present
Planning Director/Zoning Administrator Jennifer Beauregard – present
Recording Secretary Heidi Zagorski – present

NOT PARTICIPATING: Selectmen’s Alternate Representative Jaie Bergeron
Alternate Samuel Thomas
Roger Montbleau
James Bergeron

PLEDGE OF ALLEGIANCE

Mr. Doherty stated that Mr. John Spottiswood would vote for absentee member Mr. James Bergeron and Mr. Paddy Culbert would vote for absentee member Mr. Roger Montbleau.

PUBLIC HEARING

Mr. Doherty announced this is a public hearing to discuss the zoning amendments proposed for the 2024 Town Meeting.

AMENDMENT 1 – Second Public Hearing

1. To amend Pelham Zoning Article III Section 307-13 Additional Lot Size and Street Access Requirements to amend the current language as follows (new language italicized, language being removed, stricken): Every *multi-family* lot, and workforce housing parent lot ~~in the residential district~~ shall contain 217,800 contiguous square feet of non-wetlands. *For septic loading calculations, non-contiguous areas separated by a wetland or stream shall be treated separately. The total number of units shall be split up and built on each area of the parcel based on the square footage of the contiguous non-wetland area of each part of the parcel.*

Mr. Doherty opened the discussion for Amendment 1 to the public for input. Hearing and seeing no response, Mr. Doherty closed the discussion for public input.

Mr. Doherty stated that Mr. Scott Sawtelle would vote in place of excused member Ms. Danielle Masse-Quinn for the

motion below.

MOTION: (Passamonte/Bilapka) To place the Zoning changes of Article III Section 307-13 on the ballot.

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

Mr. Doherty said the Zoning Article question would read: “Are you in favor of Amendment No. ___ as proposed by the Planning Board for the Town of Pelham to amend Pelham Zoning Article III Section 307-13 Additional Lot Size and Street Access Requirements to add multi-family lots to the minimum lot size requirements along with Workforce Housing parent lots requiring a minimum contiguous square footage of 217,800 square feet of non-wetlands, and to add the following language: For septic loading calculations, non-contiguous areas separated by a wetland or stream shall be treated separately. The total number of units shall be split up and built on each area of the parcel based on the square footage of the contiguous non-wetland area of each part of the parcel.”

Mr. Doherty said this was a proposal, and they could add it to the ballot, or just the part that changed to make it shorter. Mr. Doherty stated that he could work on the language for the ballot question with the Zoning Administrator, Ms. Jennifer Beauregard. The Board members agreed with this.

MOTION: (Bilapka/Passamonte) To support Warrant Article III Section 307-13.

ROLL-CALL VOTE: Mr. Spottiswood – YES
Mr. Bilapka – YES
Ms. Masse-Quinn - YES
Mr. Passamonte - YES
Mr. Culbert – YES
Ms. Takesian – YES
Mr. Doherty - YES
(7-0-0) The motion passed.

AMENDMENT 2 – Second Public Hearing

2. To add a new article to Pelham’s Zoning Ordinance Article IX Age Restricted Housing Ordinance (ARH) to provide important needed housing opportunities for seniors in Pelham and to recognize the need for granting provisions whereby appropriate housing alternatives may be provided for seniors fifty-five (55) years of age and over.

Mr. Doherty said the ARH ordinance was read into the record in its entirety during the first public hearing on January 4th, 2024. Mr. Doherty said he would review the changes that were made (see below).

307-51:G-2, ‘An adult over the age of eighteen (18)’ was removed and replaced with ‘A care provider.’

307-51:G-3, the words ‘years’ and ‘year’ were added.

307-52:B, A developer’ was removed and replaced with ‘An applicant’, ‘public’ was added to describe the water supply line, ‘(i.e. Pennichuck, Dracut, MA, Hudson, NH, etc.)’ was removed and replaced with ‘by a licensed public utility’

Mr. Doherty opened the discussion for Amendment 2 to the public for input.

Ms. Cynthia Taylor introduced herself from the Housing Initiatives of New England Corporation and said they own

Pelham Terrace, the Senior Housing in Pelham which is adjacent to the Senior Center. Ms. Taylor stated that they would like to add units to their site. Ms. Taylor asked if there was anything that could be done to accommodate more affordable housing on the site. Ms. Beauregard clarified that Ms. Taylor has an elderly complex and it is under the old elderly housing ordinance that was in effect. Ms. Taylor asked what the intent was of this ordinance when the Board was trying to define Age Restricted Housing. Ms. Taylor asked if the Board was allowing affordable senior housing in Pelham. Mr. Doherty said if you would like to build affordable senior housing, you could do so if this ordinance were to pass. Mr. Doherty said currently, they do have this zoning.

Ms. Beauregard explained that a current project like Ms. Taylor’s would be considered a preexisting non-conforming use today. She said once this ordinance passed, any expansion that they would want to do, they could come to this Board with a plan to expand and even if they did not meet the criteria of no more than six units per building, this Board would have the authority to waive this because it is an innovative land use regulation.

Mr. Doherty cited under 307-53-2:C Development Standards: No building shall contain more than six dwelling units, except that the Planning Board may permit more than six units per building when, in the Board’s sole discretion, such increase provides specific, substantial benefits consistent with the purpose and intent of this ordinance such as an assisted living facility.

Hearing and seeing no further response, Mr. Doherty closed the discussion for public input.

MOTION: (Masse-Quinn/Passamonte) To place the Zoning changes of Article IX Age Restricted Housing Ordinance on the ballot.

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

MOTION: (Masse-Quinn/Passamonte) To support Warrant Article IX.

ROLL-CALL VOTE: Mr. Spottiswood – NO
 Mr. Bilapka – YES
 Ms. Masse-Quinn - YES
 Mr. Passamonte - YES
 Mr. Culbert – YES
 Ms. Takesian – NO
 Mr. Doherty - YES
 (5-2-0) The motion passed.

Mr. Doherty said the Zoning Article question would read: “Are you in favor of Amendment No. __ as proposed by the Planning Board for the Town of Pelham to add a new article to Pelham’s Zoning Ordinance Article IX Age Restricted Housing Ordinance (ARH) to provide important needed housing opportunities for seniors in Pelham and to recognize the need for granting provisions whereby appropriate housing alternatives may be provided for seniors fifty-five (55) years of age and over.”

AMENDMENT 3 – First Public Hearing

3. To amend Pelham Zoning Article VIII Floodplain Development Ordinance, Sections 307-45, 307-46, & 307-47 as necessary to comply with requirements of the National Flood Insurance Program.

Mr. Doherty read the following proposed changes into the record (see below).

- 307-45 Purpose, the language ‘or as amended’ was added in two spots and a grammatical correction was made.
- 307-46 Definitions, Letter C, Base Flood Elevation (BFE) means the elevation of surface water resulting from the “base flood”.
- 307-46 Definitions, Letter J, Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or as an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.
- 307-46 Definitions, Letter K, Flood Opening means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA “Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures.”
- 307-46 Definitions, Letter O, Functionality dependent use, would be omitted.
- 307-46 Definitions, Letter U, Mean sea level, would have the language ‘North American Vertical Datum (NAVD) of 1988 or other datum’ added.
- 307-46 Definitions, Letter W, 100-year flood, would be omitted.
- 307-46 Definitions, Letter DD, ‘start of construction of the improvement’ would be added, and beginning with ‘The market value of the structure’ through ‘dimensions of the structure’ would be omitted. The language ‘to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are necessary to assure safe living conditions’ would be added.
- 307-46 Definitions, Letter EE, Violation, The language after the first sentence would be omitted.
- 307-46 Definitions, Letter CC, Water surface elevation, North American Vertical Datum (NAVD) of 1988 would be added.
- 307-46-1 Permits section would be added.
- 307-47:C1 the words, mean sea level, would be added.
- 307-47:C3, NGVD would be omitted and replaced with ‘mean sea level’.
- 307-47:E, change the word Board to Bureau in two places. The language: The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement: “No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.” would be added.
- 307-47:F, 100 year would be omitted in eight places and replaced with base. The language, where a base flood elevation is not available or known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade, would be added.
- 307-47:F4, the word flood would be added.
- 307-47:F5, ready for highway use would be omitted and replaced with wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions. Section 60.3 (b) (1) of the National Flood Insurance Program Regulations would be removed and the word Ordinance would be added in two places.
- 307-48, (b) would be removed.

Mr. Doherty said this ordinance in its entirety is available online and at the Planning Department. Mr. Doherty said this would bring the Town into compliance.

Mr. Doherty opened the discussion for Amendment 3 to the public for input. Hearing and seeing no response, Mr. Doherty closed the discussion for public input.

MOTION: (Masse-Quinn/Passamonte) To place the Zoning changes to Article VIII Floodplain Development Ordinance, Sections 307-45, 307-46, & 307-47 on the ballot.

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

MOTION: (Masse-Quinn/Passamonte) To support the Warrant Article VIII Sections 307-45, 307-46, & 307-47.

ROLL-CALL VOTE: Mr. Spottiswood – YES
Mr. Bilapka – YES
Ms. Masse-Quinn - YES
Mr. Passamonte - YES
Mr. Culbert – YES
Ms. Takesian – YES
Mr. Doherty - YES
(7-0-0) The motion passed.

Mr. Doherty closed the public hearing.

MEETING MINUTES

MOTION: (Passamonte/Masse-Quinn) To approve the January 4th, 2024 meeting minutes as written.
VOTE: (6-0-1) The motion carried.

CONTINUED

CASE #PL2023-00036

Map 32 Lots 1-139, 1-140, 1-142

ROGER MONTBLEAU 2021 REVOCABLE TRUST – Spaulding Hill Road - Seeking approval of a Lot Consolidation and Subdivision Plan for a 24-lot, single-family Conservation Subdivision (Montcalm Estates). The subdivision will have individual septic systems and a community water supply system. The applicant has requested a 30-day continuance.

MOTION: (Culbert/Bilapka) To date specify Case #PL2023-00036 to February 22nd, 2024.
VOTE: (7-0-0) The motion carried.

ADMINISTRATIVE

Map 2 Lot 5-75 Map 1 Lot 5-107-3 Parkside Drive - Seeking the Planning Board’s recommendation to the Board of Selectmen regarding the acceptance of Parkside Drive.

Ms. Beauregard stated that the developer, Mr. Steve Doherty, is present if needed. Ms. Beauregard said this development was before the Board in November of 2023 requesting a bond reduction. She said Parkside Drive was a plan that originally started in 2014. She said at that time, the road was cleared, drainage was installed, and two houses were constructed. Ms. Beauregard said the project was halted due to economic conditions. She said in May of 2021, Mr. Steve Doherty took over the construction of the project and completed the work. Ms. Beauregard said they received the final letter of review from Mr. Jeff Quirk of Keach-Nordstrom, and Mr. Jim Hoffman, the Road Agent. She stated on December 4th, the final inspections were completed, and all improvements were confirmed as completed.

Ms. Beauregard said the original bond was \$89,832.25, it was reduced on November 6th, 2023 to \$12,707.50, and Mr. Jeff Quirk is recommending a further reduction of \$7,707.50, bringing the amount to retain for a maintenance fee to \$5,000. Ms. Beauregard said they are also asking for a recommendation from the Planning Board to the Board of Selectmen for acceptance of Parkside Drive as a Town road.

MOTION: (Masse-Quinn/Passamonte) To reduce the Parkside Drive bond by \$7,707.50.
VOTE: (7-0-0) The motion carried.

MOTION: (Passamonte/Masse-Quinn) To recommend Parkside Drive to the Board of Selectmen as a Town Road.
VOTE: (7-0-0) The motion carried.

Map 1 Lot 5-107-39 A, B, C Dick Tracy Drive – Request for Bond reduction.

Ms. Beauregard stated that this project was done in three phases, this being the third and final phase. The first building on the site was built in 1995 when the property was owned by someone other than Peter Murphy, who is the current owner. She said the Phase II Site Plan was done by Jones & Beach Engineers and was approved on November 4th, 2019 for six units. She said it was a commercial building with contractor bay rentals. Ms. Beauregard said the Phase III Site Plan was done by the same engineering company in October of 2022 and it was for a third commercial building with six units for rent. She said Mr. Jeff Quirk reviewed the site and stated that everything had been completed except for the final wearing course of pavement, so he recommended reducing the current bond by \$14,795. Ms. Beauregard said the current bond is \$18,295 which would leave \$3,500 to retain until the final pavement is installed.

MOTION: (Masse-Quinn/Passamonte) To reduce 9 A, B, C Dick Tracy Drive bond by \$14,795.00.
VOTE: (7-0-0) The motion carried.

BOARD MEMBERS / PLANNING DIRECTOR UPDATES

Ms. Masse-Quinn announced that they finished the Master Plan, and that Resilience would be presenting this to the Planning Board. Ms. Beauregard said they were aiming for a February 5th, 2024 Public hearing meeting.

Ms. Masse-Quinn said they had their first Well Ordinance subcommittee meeting, and they would be having their second meeting on January 25th, 2024.

ADJOURNMENT

MOTION: (Culbert/Passamonte) To adjourn the meeting at 7:55 PM.
VOTE: (7-0-0) The motion carried.

Respectfully submitted,
 Heidi Zagorski, Recording Secretary