

**APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
April 1, 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
James Bergeron – present
Bruce Bilapka – present
Kevin Cote – present
Selectmen’s Representative Charlene Takesian – present
Alternate Paddy Culbert – present
Alternate Samuel Thomas – present
Alternate John Spottiswood – present
Alternate Scott Sawtelle – present
Planning Director/Zoning Administrator Jennifer Beauregard – present
Recording Secretary Heidi Zagorski – present

NOT PARTICIPATING: Selectmen’s Alternate Representative Jaie Bergeron
Alternate Hal Lynde

PLEDGE OF ALLEGIANCE

MEETING MINUTES

MOTION: (Masse-Quinn/Passamonte) To approve the March 18, 2024, meeting minutes as written.

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

MOTION: (Masse-Quinn/Passamonte) To approve the March 18, 2024, Non-Public Session meeting minutes as written.

VOTE: (6-0-1) The motion carried.

ELECTION OF OFFICERS

MOTION: (Cote/Masse-Quinn) To appoint Mr. Tim Doherty to Chairman of the Planning Board.

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

MOTION: (Bilapka/Passamonte) To appoint Mr. Jim Bergeron to Vice Chairman of the Planning Board.

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

MOTION: (Cote/Passamonte) To appoint Ms. Danielle Masse-Quinn to Secretary of the Planning Board.

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

MOTION: (Bilapka/Cote) To appoint Mr. Scott Sawtelle for an alternate position for a 3-year term on the Planning Board.

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

MOTION: (Masse-Quinn/Bilapka) To appoint Mr. John Spottiswood for an alternate position for a 3-year term on the Planning Board.

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

PUBLIC HEARING CONTINUED

The continuation of the Pelham Planning Board’s public hearing to review, amend, and adopt the new Master Plan entitled “Our Pelham, Our Plan” prepared by Resilience Planning & Design with the input of the Master Plan Subcommittee, Town Staff, and the community.

MOTION: (Bilapka/Bergeron) To date specify the Public Hearing for the Master Plan to May 6, 2024.

VOTE: (6-1-0) The motion carried.

Mr. Bergeron suggested the option of opening the Public Hearing to the public and then returning to the motion.

Ms. Charlene Takesian questioned why there needed to be a delay in moving forward with the Master Plan. Mr. Bergeron explained that the Board members had stated they needed more time to read the Master Plan in its entirety. Ms. Charlene stated the Master Plan was published on the website for all to see and did not see any need to delay this any further. Mr. Bergeron said he was also part of the Master Plan Subcommittee and would prefer to have a unanimous vote for acceptance even if that means delaying the decision to allow all members to read it. Mr. Doherty said with any Subcommittee, the final language of the Master Plan is done by and adopted by the Planning Board itself.

Mr. Doherty opened the discussion to the public.

Mr. Jeff Gowan, former Planning Director and member of the now deconstructed Master Plan Subcommittee introduced himself. Mr. Gowan said he would like the Planning Board to be comfortable with the Master Plan document. Mr. Gowan said the Master Plan is an advisory document only and is aspirational in nature. Mr. Gowan said the Master Plan helps apply for grants by adding a shaper edge. Mr. Gowan provided examples of how a strong Master Plan can aid in Federal and State grant application processes.

Seeing and hearing no further response, Mr. Doherty closed the Master Plan Public Hearing to the public.

Mr. Scott Sawtelle excused himself from the Planning Board meeting at 7:20 PM.

ADMINISTRATIVE

Map 1 Lot 5-124

Beaver Brook Estates – Venus Way, Saturn Way - Bond Reduction Request

Mr. Blaise Coco introduced himself as an owner of Beaver Brook LLC. Ms. Jennifer Beauregard explained that they had a bond reduction request before the Board in October 2023 and had brought up that the Fire Chief at the time had a concern with the placement of the pavement in conjunction with one of the homes in the development. Ms. Beauregard explained that it was built according to plan, however Mr. Coco did agree to move the pavement over about 3’ when he puts down the final pavement. Ms. Beauregard said the Board denied his previous bond reduction request and Mr. Coco is here to ask the Board to reconsider. Mr. Coco said the final paving would most likely be completed toward the end of the year. Mr. Coco said the pavement was completed as it was on the plans and moving the pavement 3’ would have an impact on another resident. Mr. Coco said the road would be completed as the Fire Chief requested and as Mr. Jeff Quirk had stated. Mr. Coco showed the Board the plans and explained how they would change the shape of the road to allow 3’ more pavement in front of Lot 8.

Mr. Steve Keach introduced himself. Mr. Keach said the Planning Board had a worksheet from Mr. Jeff Quirk of Keach Nordstrom Inc. Mr. Keach stated that the problem has been and will be resolved.

MOTION: (Masse-Quinn/Bergeron) To reduce the Beaver Brook Estates bond in the amount of \$120,232.50 which would leave \$139,552.50 to retain.

VOTE: (7-0-0) 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.

Mr. Shayne Gendron from Edward N. Hebert Associates introduced himself representing Roger Montbleau Revocable Trust. Mr. Gendron said since the last meeting, they had been waiting for a review letter from Keach-Nordstrom Associates. He said they have since received the review from Mr. Steve Keach. Mr. Gendron said they did not have any problems with complying with Mr. Keach's letter review.

Mr. Gendron said they have had many discussions about the water supply in this area. Mr. Gendron said they had received their well-siting approval. Mr. Gendron explained they submit this approval to NHDES Ground Water Supply in which they review the wells, the location of the wells, and the well radii, and provide a plan to move forward with testing. Mr. Gendron said that this letter points out which wells from abutting lots need to be monitored. He said the next step would be to do the pump test. He said once the results come back, it would indicate any contaminants that may be in the water. He said this would dictate the filtration system that would be needed in the pump house. Mr. Gendron said they did preliminary testing of wells, and they did recognize none of the wells were talking to each other and the sustained yields were good.

Ms. Masse-Quinn asked Mr. Gendron if he had anything in writing from the well tests. Mr. Gendron said those were provided to Ms. Beauregard. Ms. Beauregard read the results letter from Northeast Water Wells, Inc. She read that Well 1 produced 9 GPM, Well 2 produced 6 GPM, and Well 3 produced 9 GPM. Ms. Beauregard said she would provide a copy of this letter to the Board members.

Ms. Masse-Quinn stated that all are aware there is a Moratorium in this part of town and she would like to make sure the abutters are not affected. Mr. Gendron said they must notify the selected abutting lots and see if they would like to be monitored. Mr. Gendron said he believed that this would be exempt from the Moratorium. Ms. Masse-Quinn said she believed this subdivision was under the Moratorium because when the plan was accepted for consideration, the Moratorium already existed. Ms. Beauregard said this subdivision would not be part of the Moratorium because the application was submitted before the Moratorium went into effect adding that she would confirm with legal counsel.

Mr. Bergeron asked Mr. Gendron what the responsibility intentions of the system would be in the future. Mr. Gendron said Hampstead Waterworks Systems would be the operator of the system.

Mr. Passamonte asked Mr. Gendron if there would be underground sprinkler systems for lawn care. Mr. Gendron said they had not discussed underground irrigation at this time. Mr. Passamonte confirmed with Mr. Gendron that because it would be a community well, homeowners could not drill their own wells. Mr. Bergeron asked Ms. Beauregard what would stop landowners from drilling for a private well in the future. Ms. Beauregard said if it is in their covenants, then that should prevent them from drilling a private well. Ms. Beauregard added that currently, they do not require a permit on an existing property, so unless it is in the covenants of the subdivision, there would not be a way to monitor this.

Mr. Steve Keach introduced himself and stated the letter report is dated March 28, 2024. Mr. Keach said the project plan

includes 43 pages in total. Mr. Keach said under general comments three state permits would be required. One is the New Hampshire Department of Environmental Services (NHDES) Subdivision Approval for each of the (23) twenty-three lots proposed. Mr. Keach said (2) two of those lots are conventional lots and the remaining (21) twenty-one are residential open space lots. The second permit is an NHDES Alteration of Terrain (AOT) Permit, and the third is an NHDES Water Supply Engineering Bureau Approval.

Mr. Keach said he recommended any motion to grant possible approval to this application, the applicant executes a standard development agreement with the Planning Department. Mr. Keach said he recommended a review and approval of the application from the Fire Department.

Mr. Keach reviewed the bullets listed under #2 Zoning Matters as follows:

- The applicant seeks a Special Permit for the planned Residential Open Space Subdivision pursuant to Section 307-95 of the Zoning Ordinance. In the event the Planning Board elects to grant the requested Special Permit we will recommend the addition of a note acknowledging that outcome to the final subdivision plan.
- Consistent with the “Application Procedure” described under Sections 307-96 and 307-101 of the Ordinance, minutes of the February 23, 2023 meeting of the Planning Board suggest board members favorably reviewed both a preliminary Residential Open Space Subdivision Plan and a Yield Plan on that date. Based on that outcome the applicant became eligible to submit the formal application for approval of a Residential Open Space Subdivision and Special Permit, which were accepted for formal consideration on November 20, 2023. Although the Yield Plan favorably reviewed by the board in February 2023 depicted a residential density of 25 lots, we note the current application seeks approval of 23 lots, including 21 open space lots.
- To satisfy the requirements of Section 307-98 of the Ordinance, as well as Section 205-9 of the Land Use Regulations (LURs), we recommend application approval occur subsequent to or conditional upon the applicant’s submission of homeowners’ association documents; as well as covenants, easements, and restrictions, of a form and content acceptable to the town council. We further recommend the resulting documents specifically address the requirements of Ordinance Sections 307-105.C and 307-105.D pertaining to ownership and protection of open space land, as well as Section 307-106.D (prohibition of private irrigation wells).
- Section 307-105. A of the Ordinance requires “a minimum of forty percent (40%) of the total land in the parcel must be dedicated as open space and a minimum of fifty percent (50%) of the open space must be uplands”. Although it appears rather obvious the current proposal exceeds these minimum requirements, we recommend the addition of notes to the final plan that specifically quantify/demonstrate compliance.

Mr. Doherty asked Mr. Keach about the special permit for the WCD impact. Mr. Keach explained that on sheets 16 and 17 of the plans, five individual areas represent locations where some form of work would impact land within the 50’ buffer of the WCD. Mr. Gendron confirmed that they were before the Conservation Commission on January 10, and February 14, and a site walk was performed on February 3, 2024. Mr. Gendron said there is a Conservation Commission letter on file in which they signed off on these areas. Mr. Doherty said the Planning Board would have to grant a special permit for this.

Mr. Bergeron asked if the open space would be managed by the HOA. Mr. Jim Petersen introduced himself as the developer. Mr. Petersen said the HOA would manage the open space. Mr. Gendron said it is available to the Town if they were interested. Mr. Roger Montbleau introduced himself as the owner of the property. Mr. Montbleau said he intends to keep the open space within the management of the HOA. He explained that he has plans to turn this into a Blue Bird Sanctuary.

Mr. Doherty opened the discussion to the public.

Ms. Kimberly Abare introduced herself as Chair of the Water Commission. Mr. Scott Winn and Mr. Sam Thomas were also present from the Water Commission. Ms. Abare asked how much the pump station would hold in total. Mr. Thomas said the three wells produce 24 GPM that would be dumped into a storage tank. Mr. Passamonte stated it holds 15,000 gallons. Ms. Abare asked if the developer had thought about working with the other developer from the Eleanor Burton property to potentially pull the water line up the hill. Mr. Bergeron clarified the question and asked, can this system accommodate a tie-in conjunction with another system. Mr. Passamonte asked how they could ask the developer to do this when they have provided proof of adequate water. Mr. Thomas explained that this is an alternative to what they

have today. Ms. Abare said they are asking if the developer would consider this. Mr. Winn explained the Water Commission is trying to find long-term solutions. Ms. Takesian said it is her understanding that the water line being discussed is years away and would not be fair to ask the developer to consider this. Mr. Thomas said the intent is not to stop this development, as the Water Commission are offering a suggestion. Mr. Bergeron explained the benefit this could provide to the developer in the future. Mr. Doherty discussed the option of the developer leaving a stub on the water line to possibly tie into in the future.

Mr. Jason Modeski introduced himself from 8 Nicholas Lane. Mr. Modeski said he recently became a member of the Well Ordinance Subcommittee. Mr. Modeski clarified the holding tank would hold 15,000 gallons and there would be 23 homes. Mr. Modeski said this would be 14,400 gallons in total that this development would be pulling, adding that they would almost be depleting this holding tank daily. Mr. Thomas clarified it would be 13,800 gallons per day for the 23 homes. Mr. Modeski said a home next door to him has a very deep well that ran dry explaining that this well was tested, was approved, and still ran dry. He said there is no assurance that the numbers presented today can be sustained 3-4 years down the road. Mr. Modeski added that the covenants of not allowing private wells for irrigation may not always be followed. Mr. Passamonte asked if the Planning Board could include this as a condition of approval.

Ms. Stephanie Laurin introduced herself from 10 Slavin Drive. She stated that her biggest concern was what the recovery rate on the wells would be. Ms. Laurin asked when they planned to start testing the abutters wells. Ms. Laurin asked if they would be notified in advance of this. Mr. Passamonte asked Ms. Laurin what she would consider a reasonable amount of time to be notified. She said at least three days.

Seeing and hearing no further response from the public, Mr. Doherty closed the discussion to the public.

Mr. Petersen and Mr. Gendron proceeded to respond to the public input and questions. Mr. Petersen said the water lines are 2". Mr. Petersen said there are no hydrants; they would have cisterns. Mr. Gendron said it would be a two-week notice by certified mail to the homeowners who agree to have their wells tested. Mr. Petersen said the homeowners should remain living in a normal manner in the home while the testing occurs using their wells as they normally would. Mr. Petersen said although 25GPM would max out the wells, they only need 7GPM. Mr. Petersen said if everyone pumps out 600 gallons per day and you are pumping in 7GPM into these storage tanks, they will never run out. Mr. Gendron added that they would have a storage tank that would take care of these wells during a drawdown in the PM or AM hours.

Mr. John Spottiswood asked if they answer to the Town of Pelham or the State of New Hampshire when they do the well testing. Mr. Petersen and Mr. Gendron replied to the State of New Hampshire.

The Board members continued to discuss the proposed stub extension on the water line for potential future tie-ins. Mr. Doherty discussed the need to run the waterline further so it could be attached to Spaulding Hill Road. Mr. Doherty said this intention would be for possible future use. Mr. Gendron said they do not have a problem extending the water line within 100 feet of Spaulding Hill Road.

MOTION: (Bergeron/Passamonte) To approve the WCD Impact Special Permit pursuant to Section 307-40 for Case #PL2023-00036.

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

Ms. Beauregard read the list of proposed conditions for approval into the record.

1. Receipt of all state permits including (a) NHDES Subdivision Approval; (b) NHDES Alteration of Terrain Permit, and (c) NHDES Water Supply Engineering Bureau approval and resulting numbers be depicted on the recordable plan.
2. Execution of a development agreement of form and content acceptable to the Planning Department. Consistent with RSA 674:36, the development agreement shall include a provision requiring the owner/applicant to furnish and maintain a performance guarantee, in an amount and form acceptable to the Planning Department, to serve as a financial surety

for full and final completion of all future public improvements specified on the final project plans, prior to the sale/conveyance of individual lots or the issuance of building permits.

3. Receipt of correspondence from the Pelham Fire Department acknowledging favorable review of final project plans.

Ms. Beauregard stated she would amend condition #3 to include approval of the cistern location.

4. Addition of a note to the final subdivision plan indicating approval of (a) Special Permit for Open Space Development pursuant to Section 307-95 of the Zoning Ordinance; and (b) Special Permit for Wetland Conservation District impacts, having a combined area of 25,390 sf pursuant to Section 307-40 of the Zoning Ordinance.

5. Submission of homeowners' association documents if applicable; as well as covenants, easements, and restrictions, of a form and content acceptable to the town council. The resulting documents shall address the requirements of Zoning Ordinance 307-105.C and 307-105.D pertaining to ownership and protection of open space land, as well as Section 307-106.D (prohibition of private irrigation wells).

6. Applicant to provide escrow funds in an amount estimated by Town Engineer, for costs associated with construction monitoring and inspection services.

7. All applicable impact fees to be paid at the time of building permit issuance:

8. Written memorandum from Steve Keach indicating his satisfaction with the final recordable plan set having addressed all items identified in his most recent review letter dated March 28, 2024.

9. Applicant agrees to extend the waterline down to Spaulding Hill Road.

MOTION: (Cote/Passamonte) To approve the Special Permit pursuant to Section 307-95 and to conditionally approve Case #PL2023-00036.

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

Mr. Doherty announced a 10-minute recess at 9:30 PM.

Mr. Paddy Culbert excused himself from the Planning Board meeting at 9:30 PM.

The Planning Board returned from recess at 9:41 PM.

Case #PL2024-00008

Map 10 Lot 13-167-6

PACHASACA ZARUMA, Manuel E. – 1197 Bridge Street - Applicant requesting a Site Plan Review for the construction of a 3-bay garage to be used for storage of his construction vehicles and equipment, for the operation of a General Home Occupation. Zoning Board Case #ZO2023-00012 was approved on July 10, 2023.

Mr. David Groff introduced himself as representing the applicant. Mr. Groff stated that they made the requested changes to the plan which included the garage entries to face away from the fence that separates this applicant's house from the abutter and also to put in twelve trees.

Mr. Doherty explained that the Board received the square footage request from the Building Inspector and that the State said the driveway could be used for all the businesses that are there.

Mr. Doherty opened the discussion to the public.

Attorney Bernard Campbell introduced himself from Beaumont & Campbell Pro Association on behalf of Mr. Daniel Demers who is the direct abutter. Mr. Demers was also present. Mr. Campbell asked if there had been any requests for waivers to the site plan regulations for this project. Ms. Beauregard said there had not been any waivers presented because the Planning Board had determined that they do not require General Home Occupations to go through an entire Commercial Site Plan. Mr. Campbell said under the Zoning Ordinance this application requires site plan approval. Mr. Campbell suggested that the three bushes proposed closest to Bridge Street be removed and move the three proposed bushes along with 2-3 more to provide dense screening to the rear of the property. Mr. Demers proposed Green Giants as the variety type to provide adequate screening. Mr. Campbell said they would like to request this change be made to the plan presented.

Mr. Campbell said there was a question on whether there was already a business operation in the existing structure. Mr. Campbell read a section of a report dated September 21, 2022, from the Code Enforcer Mr. John Lozowski as follows: “Mr. Demers complains Mr. Zaruma is clearing his land with the intent of building a large garage on the property. He stated that he was upset at the location of the garage and bought the property because of the privacy of his backyard. He further stated that Mr. Zaruma is building a home office or an illegal ADU in his garage. I advised him he is not building an ADU he is building an office space area, and he has applied for all building permits.” Mr. Campbell said the home office has not been reported in the calculation of the square footage for the size of the structure. Mr. Campbell said this plan does not comply with the Zoning Ordinance and as a result, it needs to be rejected or returned for further work.

Mr. Doherty reminded Mr. Campbell that this is not a courtroom, and they are the Planning Board looking at a plan that was approved by the Zoning Board.

Mr. Campbell said if the existing structure contained office space, the living space no longer equals 2523 sq. ft. Mr. Campbell said the nonresidential portion of the structure should be approximately 1200 sq. ft., not 1734 sq. ft. Ms. Beauregard said that Building Inspector Roland Soucy’s initial calculations were slightly less than what he now presented because he was unaware when he did the initial calculations that part of the garage had been finished. Ms. Beauregard said in 2022 it may have been the intent of an office space. Ms. Beauregard said Mr. Soucy had since been at the property and confirmed the space had been turned into a playroom with the proper permits. Mr. Soucy determined there was more square footage than previously determined. Ms. Beauregard said Mr. Soucy’s calculations determined the allowed area for the business to occupy 49% would be 2085 sq. ft. and the total garage area being proposed is 1734 sq. ft.

Ms. Beauregard said that she did contact Mr. Ryan Worsman from NHDOT and he confirmed that the driveway is permitted for home occupation(s). Mr. Worsman said it did not matter how many occupations there were as the driveway was permitted for that type of use. Mr. Worsman said the type of businesses shall not conduct sales on-site.

Hearing and seeing no further response from the public, Mr. Doherty closed the discussion to the public.

Mr. Bergeron stated for the record that a property owner can cut down as many trees as they would like on their property without a permit. Mr. Bergeron said the applicant rotated the garage as requested. Mr. Bergeron said there was a request tonight to move three arborvitaes from the south section of the plan to the north section with a condition that the variety be Green Giant.

Ms. Beauregard asked if the previously present dumpster would remain on the property. Mr. Groff confirmed that the dumpster would not be on the property permanently.

MOTION: (Bergeron/Bilapka) To approve the plan with the condition to relocate the three Green Giant arborvitaes from the south to the north.

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

Case #PL2024-00009

Map 41 Lot 10-246

MZL Realty – 10 Bridge Street - Applicant requesting Site Plan Review to approve the location of dumpsters not

shown on the original Site Plan.

Ms. Dina Zisis was present to represent this case. Ms. Zisis explained they removed two dumpsters. Ms. Zisis said they would be adding a pad with a three-inch lip and a fence all around the dumpsters. Mr. Doherty confirmed with Ms. Zisis that the Conservation Commission reviewed this.

Mr. Doherty opened the discussion to the public. Hearing and seeing no response, Mr. Doherty closed the discussion to the public.

MOTION: (Bergeron/Bilapka) To approve the location of the dumpsters as presented in the plan.

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

NEW BUSINESS

Case #PL2024-00011

Map 18 Lot 12-7

BUDGE, Alonso & Haley - 2 Indian Valley Road - Seeking Site Plan review of a General Home Occupation consisting of a landscaping/snow plowing business, Special Exception granted by the Zoning Board of Adjustment, Case #ZO2024-00001 on February 12, 2024.

Ms. Masse-Quinn read the list of abutters.

Attorney David Groff introduced himself, representing the applicant, Mr. Alonso Budge, who is the owner of the property. Mr. Groff said this business is preexisting. The former owner had a business at this location as well. Mr. Groff provided photos of the property. He explained that Mr. Budge has a landscaping business and has equipment stored behind the fenced area. Mr. Groff added that there is no business conducted on the property.

Mr. Doherty opened the discussion to the public. Hearing and seeing no response, Mr. Doherty closed the discussion to the public.

Ms. Beauregard stated that this is a General Home Occupation Site Plan. She stated that this did go to the Zoning Board to receive a special exception.

Ms. Takesian asked what the three storage containers were on the property. Mr. Budge explained that they were storage containers to store equipment and painted green to camouflage with the wood line.

MOTION: (Bilapka/Bergeron) To accept the plan for discussion.

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

MOTION: (Cote/Bergeron) To accept the plan for approval with the conditions of hours stated as Monday-Friday 7 am-5 pm, occasional Saturdays as needed, and to provide an exception for the plow truck to leave and return during snow events.

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

Case #PL2024-00012

Map 22 Lots 7-271 & 7-272

HDJP, LLC – 20 & 24 Main Street - Seeking approval of a lot merger of the 2 subject lots and Site Plan review for an 8-unit commercial contractor bay office building.

Ms. Masse-Quinn read the list of abutters.

Mr. Brent Cole from Granite Engineering introduced himself and his coworker Mr. Jeff Merritt representing HDJP, LLC. Mr. Cole explained that the two lots are located at the corner of Bridge Street (Rte. 38) and Main Street. He explained these two properties would be merged for the project to equate to 4.8 acres of land with frontage on both Rte. 38 and Main Street. He said to the west of the property, Beaver Brook runs north to south, and along with this comes a prime wetland and a 100' do-not-disturb buffer that projects into this property. Mr. Cole said the project intends to develop a 15,000-square-foot commercial building to be used for contractor bays. Mr. Cole said there would be 8 units, an office space, parking along the east side for employees, and additional parking and loading area to the west. Mr. Cole said access to the property would be from Main Street.

Mr. Cole said this project comes with complexities. He said not only do they have the prime wetland, but Beaver Brook is a fourth-order stream meaning it is protected by NHDES Shoreland. Mr. Cole said this property is also in the flood zone. He said the access to the property is both Rte. 38 and Main Street which are NHDOT jurisdictional and because they have the Shoreland, they trip the AOT threshold. Mr. Cole said they stayed within the regulations and the 100' buffer.

Mr. Cole said the property drains to two sections of porous pavement that allow the water to infiltrate into the ground and be treated via stormwater treatment. He explained these sections are the eastern and western parking areas. He said the roof discharges to an underground stormwater system that is located to the north. He said the underground storage system has arch chambers that collect the stormwater and then discharge it to the west. He said the treatment component utilizes the natural buffer.

Mr. Cole said to the south of the building is an enviro-septic system. He said the proposed use does not have a high need for septic but there is a septic system to the south. Mr. Cole said to the north is a public water supply. He said this is a well that would feed the building for domestic water usage.

Mr. Cole said the lighting plan shows downcast dark sky-compliant lights. He said the poles are located in the parking lot. Mr. Cole provided a rendering of the proposed building to the members including a landscaping plan.

Mr. Cole said for State permits, they are required to go to NHDES Shoreland, NHDES AOT, and NHDES Subsurface. He said they're required to get a public water permit, local site plan approval, and NHDOT for a driveway curb cut. Mr. Cole said they are sending this out to all these agencies for their review and approval.

Mr. Doherty said it appears as if all the work would be completed outside of the flood plain. Mr. Cole said this property is within the flood zone and they do have fill associated with the flood zone. He said in the stormwater report they hired a third-party consultant which proved that the impact on the flood zone although minimal would not affect the downstream abutters. Mr. Doherty confirmed with Mr. Cole that the project is within the flood plain. Mr. Doherty asked if they planned to bring any material in to raise the land in this area. Mr. Cole said there would be fill brought in. Mr. Doherty said you are unable to raise the land between the bridges. Mr. Doherty explained that if you bring material in, you must bring the same amount out or put it into culverts underneath so the water has a place to go, adding that you cannot make the water go somewhere else, because it would affect downstream. Mr. Cole repeated that they did have a study that stated there would be no effect on the downstream abutters. Mr. Doherty dismissed the study because of the known flooding in this area.

Mr. Doherty opened the discussion to the public.

Mr. Matthew Axler introduced himself from 21 Main Street. Mr. Axler asked who conducted and published the study that Mr. Cole discussed. Mr. Axler said this project will affect the people downstream. He said the entry on Main Street would add traffic in an already tough area. Mr. Axler said the project would cause pollution in the streams, noise pollution, and displacement of wildlife. Mr. Axler's discussion went off topic and Mr. Doherty asked him to please limit the discussion to the plan. Mr. Axler was unable to do so. Mr. Doherty asked Mr. Axler to leave and to address the Board civilly in the future.

Mr. Mike Sherman introduced himself from 103 Bridge Street. Mr. Sherman said that he would like to see a flagged Site

Walk and to see the plan to go to the Conservation Commission. He said he would like to have the retention pond pulled out of the 100' setback from the Prime wetland. He said any filling should be mitigated 100%. Mr. Sherman said he would like to see input from Mr. David Scott and Mr. Tim Mallette from NHDOT; they are designing the Main Street Bridge and doing the hydraulics. He said he would also like to see input from Quatrum Engineering who did the hydraulics from the Abbott Bridge. He said this would help find out if filling the flood plain would have any effect.

Hearing and seeing no further response from the public, Mr. Doherty closed the discussion to the public.

Mr. Doherty recommended the applicant go before the Conservation Commission, Highway Safety Department, and Peer Review. Mr. Doherty date specified Case #PL2024-00012 to the May 20, 2024, Planning Board meeting.

MOTION: (Cote/Masse-Quinn) To accept the plan for consideration.

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

NON-PUBLIC SESSION

MOTION: (Masse-Quinn/Passamonte) To request a non-public session per RSA 91-A:3, II (c) – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself.

ROLL CALL VOTE: Mr. Passamonte – YES
 Mr. Cote – YES
 Ms. Masse-Quinn – YES
 Mr. Bergeron – YES
 Ms. Takesian – YES
 Mr. Bilapka – YES
 Mr. Doherty - YES

Mr. Doherty noted that when the Board returned after the non-public session, the Board would not take any other action publicly, except to seal the minutes of the non-public session and to adjourn the meeting. The Planning Director/Zoning Administrator, Ms. Jennifer Beauregard was also present during the non-public session.

The Board entered a non-public session at 10:54 PM.

The Board chose not to seal the minutes and entered back into public session at 11:50 PM.

ADJOURNMENT

MOTION: (Masse-Quinn/Bilapka) To adjourn the meeting at 11:51 PM.

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

Respectfully submitted,
 Heidi Zagorski, Recording Secretary