

**Pembroke Planning Board**  
**Approved Minutes of Meeting**  
**Tuesday, August 21, 2007**

**WORK SESSION – ROAD DESIGN STANDARDS**

**MEMBERS PRESENT:** Roland Lemoine, Chairman; Alan Topliff, Mark Zydel, and Kevin Foss

**ALTERNATES PRESENT:** Dan Crean, Kathy Cruson, Kevin Krebs

**EXCUSED:** Cindy Lewis, Selectmen's Representative, Robert Bourque, Vice Chairman, Todd Terrien

**STAFF PRESENT:** Laura Scott, Director of Planning, Jocelyn Carlucci, Recording Secretary

Chairman Lemoine opened the meeting at 7:00 pm. He designated Alternate Member Cruson to vote in place of Member Terrien, and Alternate Member Crean to vote in place of Vice Chairman Bourque.

**TOWN REPRESENTATIVES PRESENT:** Lieutenant Wayne Gilman of the Pembroke Police Department; Jim Boisvert, Pembroke Highway Department Public Works Director; and Chief Harold Paulsen of the Pembroke Fire Department.

The Department Representatives acknowledged that, prior to the meeting, they received a packet from Ms. Scott containing the current road standards from the subdivision regulations, a memo outlining the discussions that Planning Board had about the road standards, as well as the examples from other communities.

Chairman Lemoine explained that the intent of this meeting was to review the current road designs in hopes of eliminating loopholes in the regulations that may currently exist and to gain opinions from other Town departments with regard to the problems that may exist with current road designs.

Chairman Lemoine asked Chief Paulsen if he had any concerns with the new roads recently constructed. Chief Paulsen answered that his concern has always been the best and safest means to get emergency equipment to an emergency site. He likes cul-de-sacs because it reduces traffic and injury, but he does not like them from a fire standpoint. He clarified that cul-de-sacs or any road with only one means of access, whether in a commercial development or a long driveway, pose a potential problem. He would recommend conditionally approving subdivisions on a cul-de-sac with sprinkler systems. He stated that anything over 500' in length is questionable when fighting fire.

Chairman Lemoine said that cul-de-sacs are presently 600' with a waiver provision and the Board is continually being asked for waivers. The Board has considered 1000' cul-de-sacs but he feels the road would need to be wider.

Member Topliff asked Jim Boisvert if, from a plowing standpoint, a hammerhead or a cul-de-sac is more difficult to plow. In past discussions, the Board was under the impression that there was curbing and plow damage with those types of road design. He also asked Mr. Boisvert what his road design preference would be.

Mr. Boisvert said that his experience has found that a cul-de-sac with a grass center creates a Town maintenance issue. Plowing could take an extra 10 minutes to plow with a 50' radius with no landscaped island but it is much cleaner. One cul-de-sac on Brickett Hill has a center grass area with curbing around it. The roads are more difficult to plow with curbing. Without the curbing, it would be easier to plow and they would not have the summer maintenance of the center area to contend with.

Mr. Boisvert also said that town equipment should not back into any resident's driveway or property because of damage to lawns and landscaping.

Ms. Scott wanted clarification that his preference is cul-de-sacs with no center landscaping and no curbing.

Mr. Boisvert said that if the road width is large enough, it might not be such an issue.

Chief Paulsen asked what the minimum inside radius for a cul-de-sac was?

Member Topliff said 100' diameter.

Chief Paulsen said 100' is fine from a fire department standpoint. He said that the ladder truck has difficulty traveling around Alexander Drive.

Alternate Member Crean said that the regulations say that cul-de-sacs cannot exceed 600' of length, will be provided with a circular turnaround with a centerline radius of not less than 60', a pavement width of 20' and the center island shall be landscaped.

Chief Paulsen asked if the center line radius meant the center line of the road?

Member Zydel answered 120' diameter.

Member Topliff said the inside edge of the pavement.

Alternate Member Cruson asked if it meant that we must have a center island.

Ms. Scott said no, but if the board required a center island, it must be landscaped. Many of the more recent cul-de-sacs do not have center islands.

Member Topliff asked if the hammerhead would be easier for the Highway Department to plow.

Mr. Boisvert answered no. The amount of snow the Highway Department plows are pushing, would determine if the truck would have to back up into the turn or back up down the entire road. Safety is an issue in the winter.

Alternate Member Crean mentioned that there was a large fire in Nashua and because of the narrow roads and limited access, it was very difficult to fight. He agreed that safety was a strong issue.

Chief Paulsen said that a fire truck's turning radius is more important than the wheelbase. He said that the newer trucks, even with a larger wheelbase, would turn better than the present ladder truck. He pointed out that with narrow streets, there is only one chance to get onto the site and usually nothing else can get in.

Alternate Member Crean read from RSA 674:36, 2 (e), "Subdivision regulations may require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system."

In his opinion, deadend streets and cul-de-sacs (areas with single access) run counter to both of those goals which is firefighting access, for safety, and for composing a convenient system for access to other properties in order to minimize conflicts.

Member Topliff also pointed out that, at the same time, the subdivision regulations 205-41, C, (2), (b) states: "Local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property"; and (c) "The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs or U-shaped streets shall be encouraged where such use will result in a more desirable layout." He pointed out that the current language encourages these types of streets.

Alternate Member Cruson stated that the Board must be concerned not only with fire but also with flooding issues.

Lieutenant Gilman said that the main goal is to get people to safety.

Member Topliff asked Lieutenant Gilman if he would comment on the Police Department's concern of their difficulties finding homes on a cul-de-sac or U-shaped road because of numbering.

Lieutenant Gilman said that U streets form a problem finding a home because of numbering. It is questionable whether the house numbers begin on the right or left side of the loop. Not knowing where the numbering begins delays police and fire. Also, lighting at the end of the deadend streets would be advisable.

Chief Paulsen said that fire dispatch service's communication is part of the problem. They need to tell the firefighters where the numbers begin and exact location of site.

Lieutenant Gilman said that he has also noted that communication with dispatch is difficult

Chief Paulsen said that it would be too time-consuming for firefighters to stop on the side of the road to check a map for the exact location of the site. If the dispatchers conveyed the property location more clearly it would help.

Lieutenant Gilman noted that an officer receiving a call is thinking of the fastest route to get to a site from his present location. Each vehicle has a computer, but it is used for paperwork in order to keep the officers on the road and out of the Police Department which can save time to each call.

Lieutenant Gilman also pointed out that to mandate numbering on a mailbox would be helpful because some house numbers are located on the house, mailbox, or even a tree.

Ms. Scott restated that for the Police Department, lighting is important at the end of the cul-de-sacs and how to address an issue if evacuation is necessary.

Member Topliff suggested that it might be helpful to have a sign at the beginning of a subdivision that would show house lots and numbers.

Chairman Lemoine said that the Board feels that there must be reasons to eliminate cul-de-sacs.

Alternate Member Crean said that the Board does not need anything more than the statute to justify the decision along with testimony as to the safety problems and experiences that shows that single access roads pose a problem.

Alternate Member Cruson asked if a resident had a large parcel of land, and the only opportunity to develop the property was with a cul-de-sac, would the Board's regulations be adequate?

Alternate Member Crean replied that the statute does not say anything about convenience or the issue of maximizing the use of property for profit.

Member Zydel asked if there have been any incidents where there have been difficulty getting to homes in cul-de-sacs?

Chief Paulsen gave an example of a "one access" problem. A report of smoke in a building was received. When the Chief entered the gravel driveway, a cruiser was already there. The driveway was approximately 1000' long. As the Chief was backing down the driveway, the firetruck was turning into the driveway and the driveway collapsed. It took approximately 4 hours to get out of the site because there was no other access. The same thing could happen in a cul-de-sac.

Chief Paulsen also recollected when Beacon Hill Road washed out and no one was able to get vehicles down the road.

Chief Paulsen said that from a safety prospective, cul-de-sacs have to be addressed. He would recommend requiring residential sprinkler systems for every house on a deadend street. He pointed out that if a fire truck is parked in the street, a fire hose line will only extend approximately 250'.

Chief Paulsen said he received the results of a questionnaire that was mailed, by a self-interest group, to 232 communities in July. Its purpose was to discover how many communities required cisterns (large tanks of 30,000 gallons of water strategically located) or residential sprinkler systems. 117 questionnaires were returned. 81 communities required cisterns or sprinkler systems, 75 communities required cisterns in all residential areas, and 42 communities required sprinkler systems in all residential homes.

Mr. Boisvert asked if the Town allowed cluster housing in a 600' or 700' deadend road where apartment buildings might be allowed.

Ms. Scott said that the last multifamily attached housing development allowed was Chickering Meadows and Taylor Homes.

Mr. Boisvert said that those were not plowed by the Town. He pointed out that if a piece of equipment broke down at the beginning of a deadend road, it could block passage for the houses on that road.

Ms. Scott also mentioned the CAP elderly housing project that will be developed, but that it would be a privately maintained driveway and not a road.

Chief Paulsen said that a number of emergency roads that were created to eliminate the concerns that had been stated this evening were not maintained in the winter.

Member Topliff emphasized that the Town Departments should bring concerns to the Planning Board so they can attempt to address them.

Chief Paulsen said he has attempted to do that over the years but said that it probably would be better if he wrote a letter to the Board rather than just verbally expressing his concerns. Chairman Lemoine agreed that a written request would force the Board to respond in some way.

Alternate Member Crean pointed out that the Board needs to have regulations in place that clearly state that deadend streets will not be allowed, therefore, putting the burden on the applicant to justify a waiver or exception.

Chief Paulsen stated that in the past there have been conceptals of two-phase projects of which a Phase-I road would, in the future, connect to a Phase II road. Unfortunately, Phase II was never completed. By default the Town acquired something that they may not have wanted.

Alternate Member Crean said that the simple answer is to require a performance bond of someone who wants to do a Phased project in order to meet the buildout requirements associated with the project. He said that the regulations should say no deadend streets or other type of

roads. Where circumstances require, for a limited development of not more than **X** number of lots and where another adequate access is provided, along with fire protection, the Board may consider a waiver. It would be important to have distance limits and number of lots.

Member Topliff said that the Board agreed at the last meeting that setting a maximum number of houses on a deadend street and possibly adjusting lot size and frontage if necessary was important.

Alternate Member Crean said that the Board does not need to accommodate unsafe development because someone has an odd-shaped parcel for their purposes.

Member Zydel agreed that the safety concerns are valid and safety should not be compromised, but cul-de-sacs are allowed in communities throughout the United States. Pembroke does not want to give the impression of being against development. He questions why cul-de-sacs are fine for other towns except Pembroke.

Member Foss said that, although he recognizes that the majority of young families want homes on cul-de-sacs, the safety issues and maintenance expense associated with them justifies eliminating them as much as possible.

Alternate Member Krebs said that it is clear that the Fire Department has issues with long driveways, or cul-de-sac, and it is his opinion, that cul-de-sacs should be allowed with restrictions, such as a wider loop or sprinklers.

Alternate Member Crean said that his preference would be that the Board not encourage deadends, nor be allowed as a matter of right. The applicant would have to apply for a waiver. His preference is for two accesses. He would also like road standards to encourage bicycle/pedestrian lanes. Present roads are not designed to be safe for bicycles. The Board should look at Pembroke's future plans for roads so when major road construction occurs, they include bicycle lanes on.

Alternate Member Cruson pointed out that part of the reasoning for changes is based on the philosophy of emergency services. Her understanding is that the Town does not have to provide fire or police services to a home, but rather they have to attempt to provide the services. As long as the fire department or police try to get to the site, the Town has covered their responsibility.

Chief Paulsen acknowledged that although she is probably right, the Fire Department will do everything in their power to get to the site no matter what.

Alternate Member Cruson went on to say that if that is the pervasive philosophy, then the Town must build roads in such a way that will allow emergency services to get there. She agrees that there needs to be more than one access.

Chairman Lemoine stated that one of his concerns has always been that there should be another access to Pembroke other than Route 3.

Chief Paulsen said he would like to see the Town require residential sprinkler systems in every house. He has a video tape that the Board is welcomed to watch which explains what a sprinkler system does.

Lieutenant Gilman said that the Police Department's mentality is the same as the Fire Department. They want to get to the emergency site as soon as possible and no matter what. That is why they have equipment such as boats, 4-wheelers, and four-wheel drives.

Alternate Member Crean asked if a fire lane would be important in a commercial development as long as it was kept open?

Chief Paulsen stated that emergency accesses tend not to be maintained in the winter. Many emergency accesses are grass and no one would know that they were there. He said that the Town should have required Associated Grocers to have a second access. The loop road may alleviate that problem if it is ever built.

Mr. Boisvert concluded by saying that the Board should, at the least, have a hammerhead at the end of a road because it is unsafe for the Highway Department to back up. It is much safer in a cul-de-sac because the Highway vehicle is always going forward.

Chairman Lemoine thanked Mr. Boisvert, Chief Paulsen, and Lieutenant Gilman for their participation.

### **Discussion of Possible Changes to Current Road Design Standards**

Member Topliff said he liked the concept that Member Crean proposed.

Alternate Member Crean said that his thought, as a general standard, is that deadend streets not be acceptable. He said that with defined standards and with acceptable reasons stated in advance to the Board, that do not relate to the convenience or profitability of a developer, the Board may consider allowing designated uses along an acceptable form of a deadend road with adequate turnarounds to eliminate backing up. Hammerheads shall not be allowed because vehicles would be required to back up. And that it be limited in length, limited in the number of properties that it serves, and that sprinklers be required after the first 1 or 2 units.

Alternate Member Cruson, and Member Zydell agreed with Alternate Member Crean's statement. Alternate Member Cruson asked under what condition the Board would allow a new lot going into an old cul-de-sac or deadend street to meet the proposed standards being discussed?

Ms. Scott said that the applicant would probably ask for a waiver because the cul-de-sac already exists.

Chairman Lemoine said that the Board would have to look at each case individually at that time. He said that the Board does not want to discourage development but does want to make sure that the developments are created safely.

Alternate Member Cruson pointed out that, in the past, people did not expect the Town to protect them from different hazards but now, people expect the Town to provide them with all Town services no matter where they are built.

Alternate Member Crean stated that every road that is built should always be built with the anticipation that it will become a public road.

Chairman Lemoine said that the Board is not saying that they will not allow a dead end street, but is saying that the applicant must have a good, valid reason to ask the Town to allow one to be built.

Member Foss said he agrees with the Board but, if he had his way, he would not allow cul-de-sacs at all. He feels that all roads should have a destination.

Alternate Member Krebs feels that the Board should have a checklist of items that must be met in order to allow the construction of a cul-de-sac or dead end.

Ms. Scott asked if Alternate Member Krebs meant that waivers should be granted if a specific list of items were met. He answered yes.

Alternate Member Crean proposed the following language:

The standard is to not allow dead ends, however we choose to define it by manner of right. The Planning Board may, but is not required to, grant waiver or exception not for convenience or increased development level but only for justification, for example, topography or other factor inherent to the property subject to providing adequate turnaround approved by Planning Board that will not require backing in any way. That the maximum length of a dead end street will not exceed **X** feet (Planning Board to decide). The maximum number of lots proposed in the future that will be served by the dead end road will not exceed **X** parcels, lots or structures. All structures that are located more than **X** feet to the nearest thru access road, will be sprinklered. Such other conditions that may be imposed by the Planning Board. Further, it shall be on the applicant to demonstrate that the development cannot reasonably occur without the waiver. The Planning Board reserves the right to consider such other facts that it deems appropriate. A new development limited as a resubdivision creating not more than **X** lots on existing dead end access that meets existing zoning \_\_\_\_\_ may seek a waiver based on the same general \_\_\_\_\_.

Ms. Scott asked Alternate Member Crean how the Board would handle the following scenario:

If the zoning ordinance said each lot had to be 2 acres, with 200' of frontage with specific setbacks, and the Board did not allow cul-de-sacs longer than 600' with no more than 4 lots, but zoning allowed 8 lots, and road regulations allowed 4, what should the decision be?

Alternate Member Crean said that the Town must have consistency between the zoning ordinance and the subdivision regulations.

Ms. Scott said her concern was if frontage in an R3 zone was 200' and there is a 600' cul-de-sac, there could be 6 lots. In a different zone, it may be less than 200', and in one of the dense zones with water and sewer, zoning would allow more lots.

Alternate Member Crean said that under that scenario, there would not be a conflict. Just because an applicant met zoning, they would still be subject to whichever regulation is more stringent.

Mr. Topliff asked if it could be tied to the type of street i.e. thru street vs. dead end street.

Ms. Scott said she did not know because if the Board changed the subdivision regulations for cul-de-sacs, allowing only X number of lots per cul-de-sac, and the Board did not have that rule, under a 600' cul-de-sac there could be 6 houses allowed because of zoning but 4 houses allowed under subdivision regulations.

Alternate Member Crean said the zoning ordinance does not speak to development of cul-de-sacs. Subdivision regulations and statutes speak to designing streets which is a Planning Board function, not a zoning ordinance function. Therefore, it does not matter that 6 lots are allowed under the zoning ordinance, if subdivision regulations say that there can only be 4 lots. It would be better to make sure that there are no conflicts but conflicts could always occur. He stated that zoning says "this is what can go in" and subdivision regulations say how it goes in. That is the basic difference between the two.

Alternate Member Crean said that he looks at growth management not in terms of number of building permits that are issued but how a community handles growth. This is one aspect where development is permitted to occur, not in terms of zoning classifications but in terms of how the Board accommodates the demands that are created by growth.

Chairman Lemoine asked Alternate Member Crean to send a copy of his proposed language to all Board members.

Ms. Scott will put it on the Agenda for September 25.

It was decided that additional discussion will be had at further meetings when all members are present.

Ms. Scott reminded everyone that on September 21, 2007 the Board will meet with the Zoning Board and that Alternate Member Crean will instruct the Board at their work session.

Member Topliff would like to suggest 600' in length, 6 house lots, and 200' off a thru road for sprinklers.

Ms. Scott said that maximum is 200' in R3 district and the minimum is 60' in a B2 district with water and sewer. She also reminded the Board that they will have to discuss how to measure cul-de-sacs because current regulations do not address it. She said that the last conversation that the Board had regarding the measurement of a cul-de-sac, they stated that they wanted to measure it to the furthest end.

Member Topliff said it would measure from the through-road to the very farthest point of the cul-de-sac.

The Board agreed that they would discuss it at a later date.

Chairman Lemoine said that the Board must be consistent and that the next step is to work on it September 25, 2007.

**Haleighs Cout Street Acceptance  
Haleighs Court & Rosedale Lane Release of Financial Guarantee**

Ms. Scott said that she researched the file as requested and, again, noted that a hammerhead was not noted on the plans.

Member Topliff pointed out that the applicant's engineer stated that there would be a hammerhead and that Page 15, Paragraph 4 of the meeting minutes read: "There will be a hammerhead turnaround at 600 ft."

Ms. Scott said that the hammerhead is not on the plans that were signed by the Chair Norman Provencher and approved and recorded at the Registry of Deeds.

Chairman Lemoine said that the basketball court is the hammerhead and, therefore, the basketball hoop should be moved.

Ms. Scott did not feel that the basketball court was in the right place for a hammerhead. She said it was too far away from the end of the road to meet Town regulations for a hammerhead.

Member Krebs suggested that perhaps the hammerhead is located at precisely 600', where it was suppose to be.

Member Topliff asked if the basketball court was large enough to serve the purpose of a hammerhead?

Chairman Lemoine pointed out, on the map, that the basketball court is located in the setback, near the driveway which could function as a place for the plows to back into when they reached the end of the road. He also suggested that the Town receive an easement for that tarred portion that presently has the basketball hoop on it.

Member Topliff reiterated that the applicant's engineer stated that there would be a hammerhead. It is clear that there is one there, and, therefore, should ask for an "As Built" drawing in order to make it clear to the developer, Planning Board, and property owner.

Ms. Scott said that the applicant has provided the easement, the road deed, and the "As Built" and none of them have the hammerhead noted because she thinks that the applicant does not consider that area a hammerhead. She also restated that the subdivision plans presented to the Board, the plans signed by the Board and recorded all have no hammerhead. The "As Built", road deed, drainage and slope easements, and property owner's deed to the house all have no hammerhead.

Alternate Member Crean asked how the Town was supposed to turn around?

Ms. Scott said that Jim Boisvert asked that exact question.

Ms. Scott said she did not know. She clarified that she was at Town Hall when the plans were first submitted and her review stated that they violated the road design standard and that they would have to ask for a waiver. Then, Matt Monohan was hired. The Regional Planning Commission indicated that they needed a waiver for the road standards when they did a review of the plans. The applicant came to the Board at 10 or 11 PM and the Board had many items on the agenda. The Board approved it the same night they first saw it. No waiver was requested. He did represent that there was a turnaround.

Her question to the Board is "which representation does the Board go by. The Plans that were submitted or the statement at the meeting?"

Alternate Member Crean said that there is case law that says that when an applicant makes a representation to the Planning Board, even if it is not included in the conditions, they can be enforced. If the applicant has made a representation that there would be a hammerhead constructed, and that that was indeed intended to be dedicated as a road, then, it can be enforced, and it is up to the applicant to provide the necessary "As Built" and the right to use the turnaround for the plowing otherwise it's a violation of representation to the Board during the process of approval.

Ms. Scott asked which representation the Board should go by – the plans that were presented or the statement that was made at the same meeting.

Alternate Member Crean said that the purpose of what he just said deals with oral representations made to the Board. If the Board relied on that, then it can be enforced.

Ms. Scott said that they also had a review from the Regional Planning Commission stating that a waiver request would be required as well.

Chairman Lemoine said that since it is presently built, the applicant must just define it.

Ms. Scott asked if she should write a memo asking them to prepare a new “As Built”, create an easement, and put up the diamond yellow warning signs.

Chairman Lemoine said yes. He also clarified that the basketball hoop is a portable one which can be easily removed.

Ms. Scott reiterated that the Board would like her to inform the applicant to prepare a new “As Built” showing the turnaround, create a new road deed indicating the turnaround, and to install the diamond yellow warning signs.

Chairman Lemoine said yes.

Ms. Scott said she did not know when it would be placed on the agenda, but would speak with Geoff Ruggles. She also said that Pembroke 600’s property is on the market for \$4 million.

Ms. Scott confirmed with the Board that they had received the member packet for next week.

**MOTION:** Member Topliff moved to adjourn. Member Zydel seconded.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Jocelyn D. Carlucci  
Recording Secretary