

AGENDA
BOARD OF SELECTMEN
November 16, 2022 AT 6:30 PM
Pembroke Town Hall, Paulsen Room

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Dubois and King – Asset Management presentation
 - b. Chief Gaskell – Parking complaints Rowe/Perley/Chappelle
- IV. OLD BUSINESS:
 - a.
- V. NEW BUSINESS:
 - a. Issuance of Building Permit 427 No Pembroke Road
 - b. Emergency Expenditure Request per RSA 32:11 – Ambulance purchase
 - c. Class VI Roadway restrictions
 - d. Manifest/Abatements
 - e. Minutes 11/2/22
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. Non Public Session – RSA 91-A:3 II (b) Hiring
- X. ADJOURN



Town of
Pembroke
New Hampshire

SMARTER - Stormwater Level of Service

Goals	Asset Category	Specific Objective	Measurable Measure/Units	Attainable 2022 Benchmark/Goal	Relevant 2022 Actual	Time Bound Units/Time	Evaluate 2023 Attainment	Reassess Corrective Measures/Comments
Customer Service	Stormwater	Public Outreach	Residential Mailings			Yearly		Minimum required for MS4 compliance
	Stormwater	Public Outreach	Stormwater Meetings			Yearly		Consider conducting town staff and stakeholder stormwater public meetings
	Stormwater	Public Outreach	Think Blue Suncook Website Updates			Yearly		Review website and update with new material and Town regulations yearly
Environmental Regulatory Requirements	Outfall	Dry Inspection of all MS4 Outfalls	# of outfall inspected	all MS4 outfalls	all MS4 outfalls	Yearly		Have all inspection information added to the asset inventory
	Outfall	MS4 (BDE Compliance [wet weather inspections])	# of outfall sampled	all MS4 outfalls	all MS4 outfalls	Yearly		Have all inspection information added to the asset inventory
	New Stormwater Development	Review proposed plans for new/replacement stormwater infrastructure	% of new development	100%	100%	Yearly		Review by Town staff
Financial	Financial needs to maintain and meet the Level of Service required by customers and regulatory	Stormwater system operate cost effectively	Review of long term investment plan			Yearly		Staff administration and budget committee review
		Review budget for catch basin cleaning	Review cost of the contracted services and confirm budget meets need			Yearly		Review and adjust budget as necessary to meet LOS goals
		Maintain a capital reserve account for stormwater	% of the present day value			Yearly		Update present day values yearly
		Review budget for outside services and consultant	Review contract and services needed			Yearly		Yearly review before budget period
		Review other funding sources	State and/or Internal communication			Yearly		Yearly review of NHDES, EPA, other funding sources

Specific = Well Defined

Measurable = How will you know if the goal has been achieved? Be able to show progress.

Attainable = Is the community/staff capable of achieving the goal?

Relevant = Does the metric fit with the broader goals of the Town?

Time Bound = Provides time frame to achieve goal.

Evaluate = Constantly measure how the original goals measure up to reality.

Reassess = If the original goals need adjustments, simply update, or readdress them.



Town of
Pembroke
New Hampshire


COMMUNICATION PLAN

ASSET MANAGEMENT PROGRAM


	Communication Method	Description/Format	Audience	Frequency	Timeline
Webpage	Think Blue Suncook	website in cooperation with the Town of Allenstown and the Central New Hampshire Regional Planning Commission. Established for MS4 permit education and outreach.	General Public	updated frequently	ongoing
	Pembroke Stormwater Times	flyer/mailer that provides information regarding stormwater MS4 permit, general public education and outreach, and best management practices.	General Public	3-4 times per year. How is it distributed? Issued with tax bill	ongoing
Brochure/flyer	Asset Management Program brochure	Content from Think Blue Suncook website, AMP development, and infographics put into a brochure/mailer to inform the public.	General Public and all Stakeholders. Keep in public places like libraries, town hall.	Review/update annually. Provide with tax bills and in January with newsletter.	Ongoing. Recently completed initial mailer 3/1/2022
Videos	Youtube	The use of Youtube videos to explain what stormwater asset management is.	General Public		
Media	Press Releases	Media activity for important announcements. For example, when roads are going to be paved or maintenance programs of sidewalks, roads during summer, winter maintenance of roads	General Public		
	Radio/TV	Media activity for important announcements. For example, when roads are going to be paved or maintenance programs of sidewalks, roads during summer, winter maintenance of roads	General Public		
	Newspaper, Articles	Provide AMP updates, such as, maintenance activity announcements.	General Public and all Stakeholders		
Social Media	Facebook, LinkedIn, Instagram, Twitter page posts	Social media posts can be targeted to reach specific group of stakeholders.	General Public and all Stakeholders		
Other	Meetings	Present material at meetings including Town Board, Commission meetings, project specific meetings	General Public and all Stakeholders		
	Storm Drain Markers	Mark storm drain grates and/or curbs to notify public. Examples include <i>DUMP NO WASTE, DRAINS TO RIVER</i> and <i>DRAINS TO WATERWAYS</i>	General Public		Ongoing


How to Help the Plan Succeed:

Pembroke, in cooperation with the Town of Allenstown and the Central New Hampshire Regional Planning Commission, has developed **Think Blue Suncook**. The Town also issues a flyer, "The Pembroke Stormwater Times", for outreach and education purposes. Additional materials can be found on the **Think Blue Suncook website**. Efforts include:


 **Respect "DUMP NO WASTE, DRAINS TO RIVER" signage.** These catch basins drain directly into the river and the impact of dumping waste in these locations would be aggravated by the proximity to nearby waterways.

 **Pick up after pets.** Discarded pet waste can carry harmful bacteria into rivers and streams.

 **Lawn and yard care.** Properly dispose of yard debris, especially in areas surrounding catch basins and storm drains. *Don't overwater your lawn or mow grass shorter than 3" and fertilize wisely.*

 **Car washing.** Wash your car where soap can runoff into grass rather than onto the street and into storm drains.

 **Report blockages early.** Know when to call the Town and what blockage details to report. *(Flip to back of brochure.)*

 **Managing stormwater.** Harvest rainwater with rain barrels for reuse on your lawn or garden and to prevent potential flooding and pollution problems.

What can you do?

Know when to call the Town and what blockage details to report:

- Location
- Status (estimate blockage amount)
- Identify cause of blockage



Clean opening



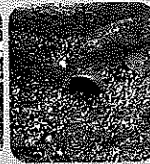
Clean opening



Partially filled



Partially filled



Blocked



Blocked

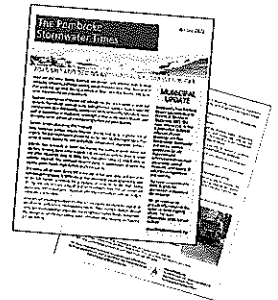
Town of Pembroke
311 Pembroke Street
Pembroke, NH 03275
Town.Hall@Pembroke-NH.com
603-485-4747

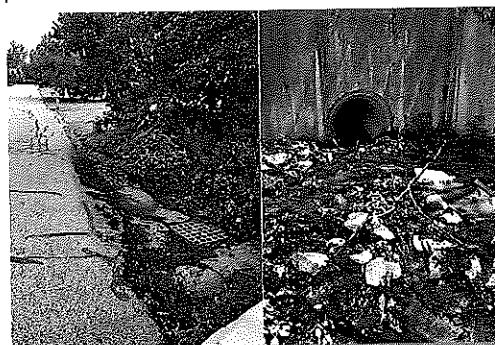
Prepared by DuBois & King for the Town of Pembroke

TOWN OF PEMBROKE Stormwater Asset Management INFORMATIONAL BROCHURE



THINKBLUE
SUNCOOK
thinkbluesuncook.org





What is Asset Management?

Asset management is a strategic approach to maintaining and sustaining infrastructure to meet the needs of the community at the lowest overall cost.

Why Perform Asset Management?

- ✦ Increased knowledge of system and assets improves financial decision making, helps meet regulatory requirements (avoiding costly penalties), and prevents pipe failures leading to costly emergencies.
- ✦ Increase efficiency and effectiveness of public investment by maintaining or improving levels of service and reducing costs by researching cost-saving alternative strategies.

When pipes fail unexpectedly, reactive measures often include:

- ✦ Fixing pipes with is the easiest/quickest solution, rather than researching and designing a system built to last.
- ✦ Rerouting traffic if the failure occurs near a roadway.
- ✦ Paying to maintain service while pipes are fixed.

The Asset Management Process:

The EPA estimates that \$271 million is needed for stormwater management in New Hampshire to meet current regulatory requirements (2012 Clean Watersheds Needs Survey). Small communities are challenged to receive funding relative to their sizes.

Inventory: What assets are in the system? What is their status?

Define Level of Service: What do we expect from our system? Are we meeting that need? How could we improve?

Prioritize Assets: based on their condition and location relative to critical community and natural resource areas.

Determine Life Cycle Costs: How much do we expect pipes to cost throughout their lifetime? Build a budget around the current state of pipes and these expected costs.

Determine Funding Strategy: Outline a plan for pipe replacement and repair, identifying gaps in funding to determine whether more funding is needed or more funding than needed is available.

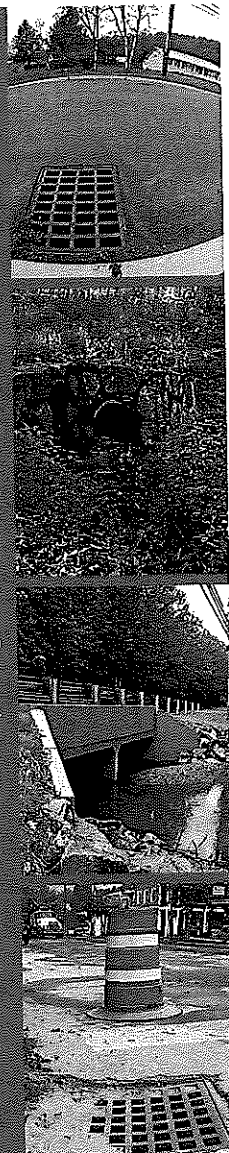
Implement the Plan: Begin to repair and rehabilitate assets at risk of failing. Perform maintenance to improve the level of service of existing assets. Maintain a living document that will reflect the work accomplished so far.

Communicate: Share with the community what has been done to date!

Potential Savings

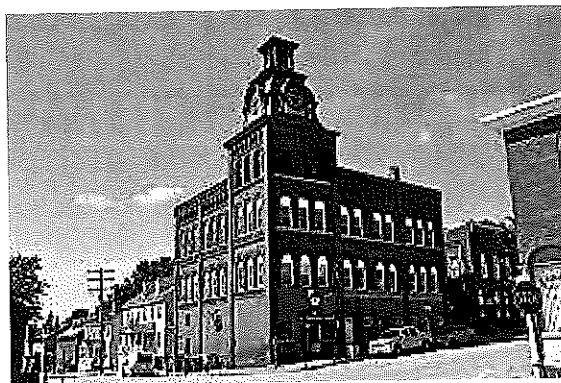
By following the steps in the asset management process, towns can realize opportunities to save money and prevent damage to property. Savings opportunities include:

- ✦ Prevent emergency repairs (overtime pay for responders and laborers).
- ✦ Provide time to research low-cost alternative repairs or replacements.
- ✦ Prevent damage to public/private infrastructure and waters of the State.



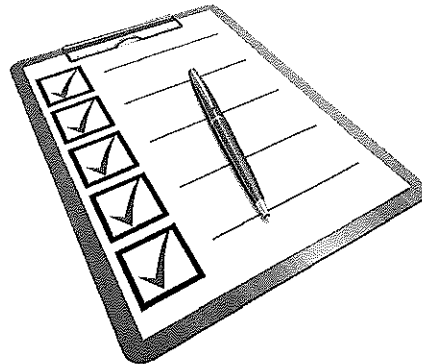
Town of Pembroke Stormwater Asset Management Plan Wrap-Up Meeting

**Presented by: DuBois & King, Inc.
November 16, 2021**



Agenda

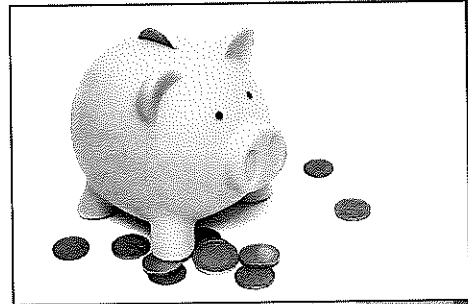
- Asset Management Introduction
- Vision Statement & Stakeholders
- Asset Inventory
- Level of Service
- Prioritization of Assets
- Life Cycle Cost Analysis
- Funding Strategy
- Implementation Plan
- Communication Plan



**DuBois
& King**
INC.

Why bother with Asset Management?

1. Increased system knowledge = prioritize projects and resources
2. Plan rather than replace during emergencies
3. Reduce emergency repairs/“down-time”
4. Communicates to stakeholders wise use of money
5. Increased access to financial assistance



**DuBois
& King** inc.

The Asset Management Process: Five “Simple” Steps

1. Inventory of Assets
2. Level of Service
3. Prioritization of Assets/Criticality Rating
4. Development of an Asset Management Program
5. Implementation of Asset Management Program/Long Term Funding



**DuBois
& King** INC.

Vision Statement

The Town's vision is to proactively manage its assets to best serve the Town's objectives, including:

- *Protecting and preserving the water quality of surface waters, including the Merrimack River to benefit plants, wildlife, and the people who enjoy them;*
- *Protecting and preserving the quantity and quality of the aquifer drinking water supply;*
- *Providing a consistent framework for implementing asset management throughout the Town;*
- *Providing proactive management of assets, thereby increasing levels of service and making investments last as long as possible.*
- *Provide opportunities for residents and stakeholders, including industrial facilities and individuals affected by flooding, to engage in discussions, offer input, and understand the decision-making process.*

**DuBois
& King** INC.

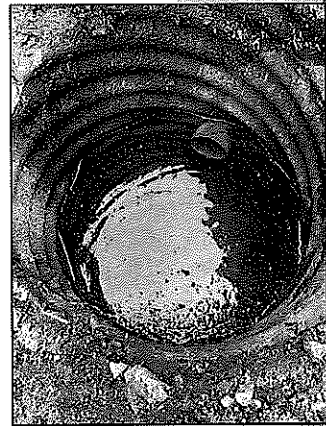
Stakeholders

Group/Organization		Name	Title	Contact
Town of Pembroke	Town Administrator	David Jodoin	Town Administrator	djodoin@pembroke-nh.com
	Public Works	VJ Ranfos	Public Works Director	vranfos@pembroke-nh.com
	Conservation Commission	Ammy Heiser		harunga1@msn.com
	Roads Committee	VJ Ranfos	Public Works Director	vranfos@pembroke-nh.com
	Engineer	Michael Vignale, P.E.	Town Engineer	mvignale@kvpllc.com
	Capital Improvement / Financial	David Jodoin	Town Administrator	djodoin@pembroke-nh.com
Central NH Regional Planning Commission		Michael Tardiff	Executive Director	mtardiff@cnhrpc.org
NHDES		Deborah Loiselle	Stormwater Coordinator	deborah.loiselle@des.nh.gov

**DuBois
& King**
INC.

Asset Inventory

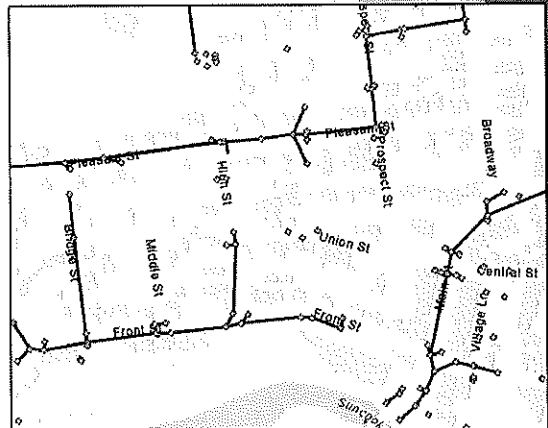
- Majority of assets inventoried by CAI
 - 1,141 stormwater pipes (80,503 linear ft)
 - 2,135 drainage structures
 - *Catch Basins*
 - *Outfalls*
 - *Culvert Inlets*
 - *Culvert Outlets*
 - *Basins/Ponds*



**DuBois
& King**^{inc.}

Asset Inventory

- New Hampshire Statewide Asset Data Exchange System (SADES) data incorporated into Town (CAI) data*
 - 1,531 stormwater pipes
 - 753 drainage structures
- Newly installed/updated assets missing from current dataset



GIS asset data in MS4 area

OBJECTID	SADES_ID	Date_Inspe	City	Owner	LengthFt	FromStruct	ToStruct	Pipe_Mater	Pipe_Condi
----------	----------	------------	------	-------	----------	------------	----------	------------	------------

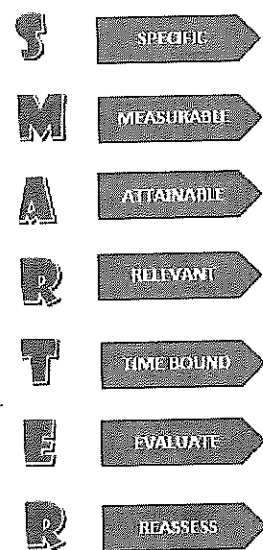
Asset inventory data fields in Microsoft Excel

* Duplicate Town and SADES data were removed from asset inventory

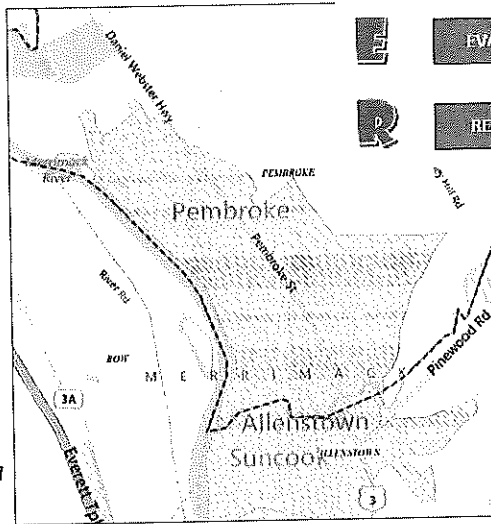
**DuBois
& King** inc.

Level of Service

- LOS Workshops
 - 1st LOS Workshop - October 6, 2021
 - ✓ Focus on minimum LOS for now to meet current regulations
 - 2nd LOS Workshop - November 16, 2022
- “Wishlist” from stakeholders and customers?
- Current/future performance
 - Developed SMARTER Matrix




Regulated MS4 Area



DuBois & King inc.

LOS Matrix



Town of

Pembroke

New Hampshire

SMARTER - Stormwater Level of Service

Goals	Asset Category	Specific Objective	Measurable Measure/Units	Attainable 2022 Benchmark/Goal	Relevant 2022 Actual	Time Bound Units/Time	Evaluate 2023 Attainment	Reassess Corrective Measures/Comments
Customer Service	Stormwater	Public Outreach	Residential Mailings			Yearly		Minimum required for MS4 compliance
	Stormwater	Public Outreach	Stormwater Meetings			Yearly		Consider conducting town staff and stakeholder stormwater public meetings
	Stormwater	Public Outreach	Think Blue Suncook Website Updates			Yearly		Review website and update with new material and Town regulations yearly
Environmental Regulatory Requirements	Outfall	Dry Inspection of all MS4 Outfalls	# of outfall inspected	all MS4 outfalls	all MS4 outfalls	Yearly		Have all inspection information added to the asset inventory
	Outfall	MS4 100% Compliance (wet weather inspections)	# of outfall sampled	all MS4 outfalls	all MS4 outfalls	Yearly		Have all inspection information added to the asset inventory
	New Stormwater Development	Review proposed plans for new/replacement stormwater infrastructure	% of new development	100%	100%	Yearly		Review by Town staff
Financial	Financial needs to maintain and meet the Level of Service required by customers and regulatory	Stormwater system operate cost effectively	Review of long term investment plan			Yearly		Staff administration and budget committee review
		Review budget for catch basin cleaning	Review cost of the contracted services and confirm budget meets need			Yearly		Review and adjust budget as necessary to meet LOS goals
		Maintain a capital reserve account for stormwater	% of the present day value			Yearly		Update present day values yearly
		Review budget for outside services and consultant	Review contract and services needed			Yearly		Yearly review before budget period
		Review other funding sources	State and/or internal communication			Yearly		Yearly review of RHDES, EPA, other funding sources

Specific = Well Defined

Measurable = How will you know if the goal has been achieved? Be able to show progress.

Attainable = Is the community/staff capable of achieving the goal?

Relevant = Does the metric fit with the broader goals of the Town?

Time Bound = Provides time frame to achieve goal.

Evaluate = Constantly measure how the original goals measure up to reality.

Reassess = If the original goals need adjustments, simply update, or readdress them.

Health of Your AMP

PROBABILITY OF FAILURE RATING

OVERALL QUICK RATING =
THE HIGHEST VALUE OF THE FOLLOWING RATINGS:

Structural Quick Rating

Structural Quick Rating

- 5: Unserviceable or has failed; likely to fail in 5 years; needs to be replaced (missing wall)
- 4: Significant Deterioration (missing or broken pipe, poor condition) or remaining life of 5-10 years
- 3: Moderate Deterioration (cracks/fractures, loose bricks deformed) or remaining life 10-20 years
- 2: Minor Deterioration (minor corrosion, fair) or remaining life >20 years
- 1: New, Excellent Condition (mild decay, good) or installed recently

O&M Quick Rating

O&M Quick Rating

- 5: Maintenance Required (>75% Sediment)
- 4: Poor (50-75% Sediment)
- 3: Moderate (25-50% Sediment)
- 2: Fair (10-25% Sediment)
- 1: Recently Cleaned (<10% Sediment)

CRITICALITY RATING =

Pipe Rating + Road Safety Rating + Public Health Rating + Environmental Rating

4

Pipe Rating

- 5: 36" or more
- 4: 18" to 36" ø
- 3: 15" to 18" ø
- 2: 9" to 14" ø
- 1: 8" ø or less

Road Safety Rating

- 5: 20,000+ vehicles per day
- 4: 10,000 to 19,999 vehicles per day
- 3: 5,000 to 9,999 vehicles per day
- 2: 2,000 to 4,999 vehicles per day
- 1: 0 to 1,999 vehicles per day

Public Health Rating

- 5: Within 1,000 feet of a Nursing Home
- 4: Within 1,000 feet of an Urgent Care or Hospital
- 3: Within 1,000 feet of a Medical Clinic
- 2: Within 1,000 feet of a Fire Department or School
- 1: Within 1,000 feet of a Police Department
- 0: More than 1,000 feet away from any Public Health facility

Environmental Rating

- 5: Direct discharge to impaired waterway
- 4: Discharge point is 100 to 500 feet away from an impaired waterway
- 3: Discharge point is 501 to 1,000 feet away from an impaired waterway
- 2: Discharge point is 1,001+ feet away from impaired waterway
- 1: Direct discharge to unimpaired waterway

Consequence of Failure (COF)



Likelihood of Failure (LOF)

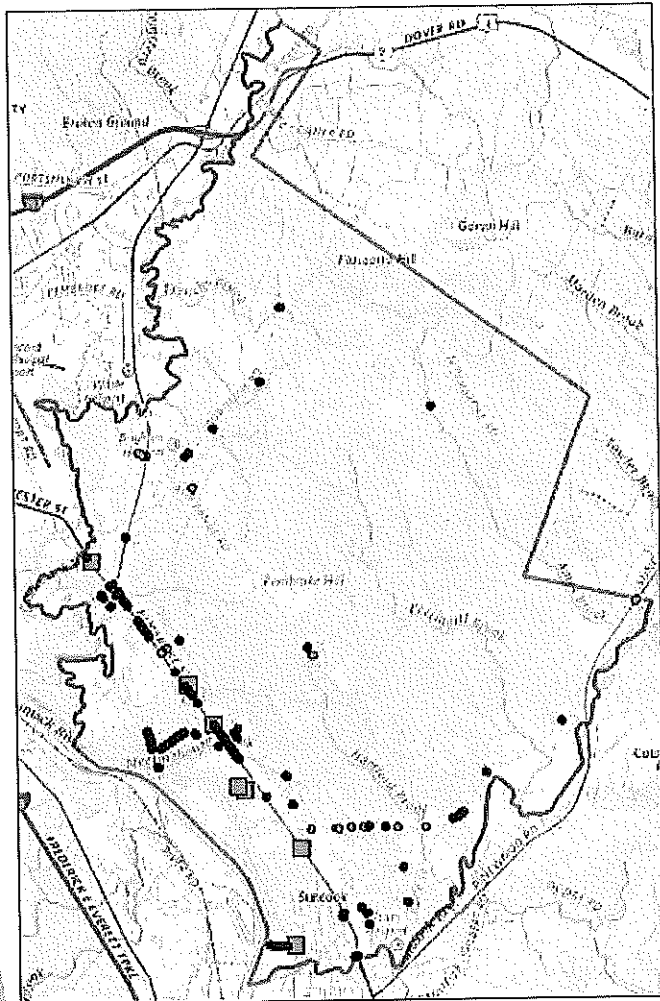


RISK

DuBois & King^{inc}

Pipe Asset Ratings

		CONSEQUENCE OF FAILURE (Criticality)				
		Insignificant (0-1)	Minor (1.1-2)	Moderate (2.1-3)	Major (3.1-4)	Severe (4.1-5)
PROBABILITY OF FAILURE (Condition)	Certain (5)	18	86	1	0	0
	Likely (4)	10	13	2	0	0
	Possible (3)	1	5	1	0	0
	Unlikely (2)	35	141	50	0	0
	Rare (1)	319	415	121	6	0



Prioritize

Drainage Pipes:
 Overall Rating 5
 (Total 105)

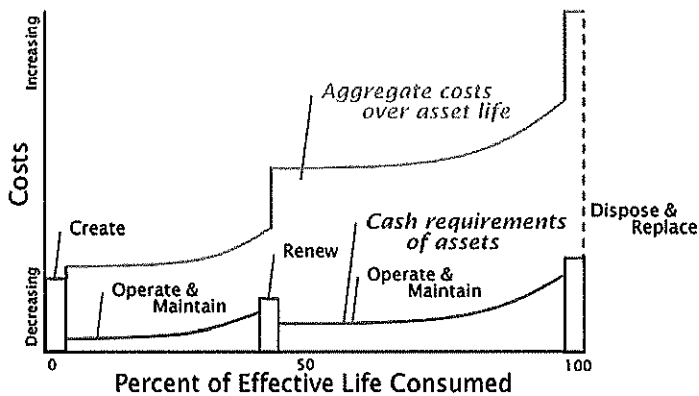
Drainage Pipes:
 Overall Rating 4
 (Total 25)

Catch Basins:
 Overall Rating 4
 (Total 9)

DuBois
 & King
 inc.

Life Cycle Cost Analysis

- Looks at asset rehabilitation/replacement/repair costs
- Analysis completed for Pipes
- Quick tool to compare costs
 - Differing pipe sizes, materials, etc.
- Choose appropriate maintenance approach depending on Town budget



**DuBois
& King**
INC.

Funding Strategy

- How much money is needed to maintain minimum, medium, high LOSs
- Identify funding sources
 - Town (capital improvement plan)
 - Private (private entity teaming opportunities)
 - State grants/loans (CWSRF)
- $\text{Current Budget} + \text{Minimum LOS} = \text{Deficit}$
- Prioritize based on existing budget?

\$-\$\$\$\$

**DuBois
& King**
inc.

Implementation Plan

Town of
Pembroke
New Hampshire

SMARTER - Stormwater Level of Service

Goals	Asset Category	Specific Objective	Measurable Measure/Units	Attainable 2022 Benchmark/Goal	Relevant 2022 Actual	Time Bound Units/Time	Evaluate 2023 Attainment	Reassess Corrective Measures/Comments
Customer Service	Stormwater	Public Outreach	Residential Mailings			Yearly		Minimum required for MS4 compliance
	Stormwater	Public Outreach	Stormwater Meetings			Yearly		Consider conducting town staff and stakeholder stormwater public meetings
	Stormwater	Public Outreach	Think Blue Suncook Website Updates			Yearly		Review website and update with new material and town regulations yearly
Environmental Regulatory Requirements	Outfall	Dry Inspection of all MS4 Outfalls	# of outfall inspected	all MS4 outfalls	all MS4 outfalls	Yearly		Have all inspection information added to the asset inventory
	Outfall	MS4 ICDS Compliance (wet weather inspections)	# of outfall sampled	all MS4 outfalls	all MS4 outfalls	Yearly		Have all inspection information added to the asset inventory
	New Stormwater Development	Review proposed plans for new/replacement stormwater infrastructure	% of new development	100%	100%	Yearly		Review by town staff
Financial	Financial needs to maintain and meet the level of service required by customers and regulatory	Stormwater system operate cost effectively	Review of long term investment plan			Yearly		Staff administration and budget committee review
		Review budget for catch basin cleaning	Review cost of the contracted services and confirm budget meets need			Yearly		Review and adjust budget as necessary to meet LOS goals
		Maintain a capital reserve account for stormwater	% of the present day value			Yearly		Update present day values yearly
		Review budget for outside services and consultant	Review contract and services needed			Yearly		Yearly review before budget period
		Review other funding sources	State and/or internal communication			Yearly		Yearly review of NHDES, EPA, other funding sources

Specific = Well Defined

Measurable = How will you know if the goal has been achieved? Be able to show progress

Attainable = Is the community/STW capable of achieving the goal?

Relevant = Does the metric fit with the broader goals of the Town?

Time Bound = Provides time frame to achieve goal

Evaluate = Constantly measure how the original goals measure up to reality

Reassess = If the original goals need adjustments simply update, or readdress them

Communication Plan

Town of
Pembroke
New Hampshire

COMMUNICATION PLAN

ASSET MANAGEMENT PROGRAM







Communication Method		Description/Format	Audience	Frequency	Timeline
Website	Think Blue Suncook	website in cooperation with the Town of Allenstown and the Central New Hampshire Regional Planning Commission. Established for MS4 permit education and outreach.	General Public	Updated frequently	Ongoing
	Pembroke Stormwater Times	flyer/maier that provides information regarding stormwater MS4 permit, general public education and outreach, and best management practices.	General Public	3-4 times per year. How is it distributed? Issued with tax bills	Ongoing
Brochure/maier	Asset Management Program brochure	Content from Think Blue Suncook website, AMP development, and infographics put into a brochure/maier to inform the public.	General Public and all Stakeholders. Keep in public places like libraries, town hall	Review/update annually. Provide with tax bills and in January with newsletter.	Ongoing. Recently completed initial maier 3/1/2022
Video	Youtube	The use of Youtube videos to explain what stormwater asset management is.	General Public		
Media	Press Releases	Media activity for important announcements. For example, when roads are going to be paved or maintenance programs of sidewalks, roads during summer, winter maintenance of roads	General Public		
	Radio/TV	Media activity for important announcements. For example, when roads are going to be paved or maintenance programs of sidewalks, roads during summer, winter maintenance of roads	General Public		
	Newspaper, Articles	Provide AMP updates, such as, maintenance activity announcements.	General Public and all Stakeholders		
Social Media	Facebook, LinkedIn, Instagram, Twitter page posts	Social media posts can be targeted to reach specific group of stakeholders.	General Public and all Stakeholders		
Other	Meetings	Present material at meetings including Town Board, Commission meetings, project specific meetings	General Public and all Stakeholders		
	Storm Drain Markers	Mark storm drain grates and/or curbs to notify public. Examples include DUMP NO WASTE, DRAINS TO RIVER and DRAINS TO WATERWAYS	General Public		Ongoing

DuBois & King
INC.

Communication Plan

How to Help the Plan Succeed:

Pembroke, in cooperation with the Town of Allenstown and the Central New Hampshire Regional Planning Commission, has developed **Think Blue Suncook**. The Town also issues a flyer, "The Pembroke Stormwater Times", for outreach and education purposes. Additional materials can be found on the **Think Blue Suncook** website. Efforts include:

-  **Respect "DUMP NO WASTE, DRAINS TO RIVER" signage.** These catch basins drain directly into the river and the impact of dumping waste in these locations would be aggravated by the proximity to nearby waterways.
-  **Pick up after pets.** Discarded pet waste can carry harmful bacteria into rivers and streams.
-  **Lawn and yard care.** Properly dispose of yard debris, especially in areas surrounding catch basins and storm drains. *Don't overwater your lawn or mow grass shorter than 2" and fertilize wisely.*
-  **Car washing.** Wash your car where soap can runoff into grass rather than onto the street and into storm drains.
-  **Report blockages early.** Know when to call the Town and what blockage details to report. *[Flip to back of brochure.]*
-  **Managing stormwater.** Harvest rainwater with rain barrels for reuse on your lawn or garden and to prevent potential flooding and pollution problems.

What can you do?

Know when to call the Town and what blockage details to report. *[Flip to back of brochure.]*



When blocking When blocking When blocking



When blocking When blocking When blocking

Town of Pembroke
311 Pembroke Street
Pembroke, NH 03275
Town Hall @ Pembroke NH.com
603-495-4747

Prepared by DuBois & King for the Town of Pembroke

TOWN OF PEMBROKE Stormwater Asset Management INFORMATIONAL BROCHURE




**THINKBLUE
SUNCOOK**
thinkbluesuncook.org



**DuBois
& King**
INC.

Communication Plan



What is Asset Management?
Asset management is a strategic approach to maintaining and sustaining infrastructure to meet the needs of the community at the lowest overall cost.

Why Perform Asset Management?

- Increased knowledge of system and assets improves financial decision making, helps meet regulatory requirements (leveling costly penalties), and prevents pipe failure leading to costly emergency.
- Increases efficiency and effectiveness of public investment by maintaining or improving level of service and reducing costs by researching cost saving alternative strategies.

When pipes fail unexpectedly, reactive measures often include:

- Fixing pipes with is the easiest/quickest solution, rather than researching and designing a system built to last.
- Rerouting traffic if the failure occurs near a roadway.
- Paying to maintain service while pipes are fixed.

The Asset Management Process:

The EPA estimates that \$271 million is needed for stormwater management in New Hampshire to meet current regulatory requirements (2012 *Clean Watersheds Needs Survey*). Small communities are challenged to receive funding relative to their sizes.

Inventory: What assets are in the system? What is their status?

Define Level of Service: What do we expect from our system? Are we meeting that need? How could we improve?

Prioritize Assets: Based on the condition and location relative to critical community and natural resource areas.

Determine Life Cycle Costs: How much do we expect pipes to cost throughout their lifetime? Build a budget around the current state of pipes and those expected costs.

Determine Funding Strategy: Outline a plan for pipe replacement and repair, identifying gaps in funding to determine whether more funding is needed or more funding than needed is available.


Implement the Plan: Begin to repair and rehabilitate assets at risk of failing. Perform maintenance to improve the level of service of existing assets. Maintain a living document that will reflect the work accomplished so far.

Communicate: Share with the community what has been done to date!

Potential Savings

By following the steps in the asset management process, towns can realize opportunities to save money and prevent damage to property. Savings opportunities include:

- Prevent emergency repairs (overtime pay for responders and laborers).
- Provide time to research low cost alternative repairs or replacements.
- Prevent damage to public/private infrastructure and waters of the State.



DuBois & King
INC.



QUESTIONS?



Contact Information

Aimee Rutledge, PWS, CPESC, CPSWQ
Project Manager/Senior
Environmental Technical Lead
802-728-7242
arutledge@dubois-king.com

Michael Hildenbrand, P.E.
Project Engineer

**DuBois
& King**
INC.

David Jodoin

From: Aimee Rutledge <arutledge@dubois-king.com>
Sent: Thursday, November 3, 2022 1:36 PM
To: David Jodoin
Subject: Pembroke AMP Budget

Hello David,

I just wanted to follow-up on our conversation regarding the request for a contract amendment. The following is a breakdown of tasks and costs for above scope of work items.

- Monthly progress reports - \$2,000
- Additional effort for review of town catch basin forms and documentation regarding date subdivisions or roadways were constructed in order to complete the structural and operation & maintenance ratings - \$3,600
- Additional intern coordination, including GPS setup and training, map creation for inspections, and follow-up after data collection - \$1,600
- 2nd Level of Service Workshop - including the development of a powerpoint presentation - \$1,800
- Total = \$9,000

At this point, we will more than likely end up spending over \$12,000 on the project and eating the difference.

Do you have any questions/concerns regarding the above request? Do you think the select board will be amenable to accepting the request?

As discussed, I will plan on presenting this to the select board during the 11/16 meeting. Does it make sense to include a formal contract amendment letter in the meeting materials on the 9th?

Thank you,

Aimee N. Rutledge, PWS, CPESC, CPSWQ (she/her)
DuBois & King, Inc.
6 Green Tree Drive
South Burlington, VT 05403
802-878-7661 x7242 (O)
401-529-5034 (C)

David Jodoin

From: Paul Bacon <buildinginspector@pembroke-nh.com>
Sent: Monday, October 31, 2022 8:15 AM
To: 'David Jodoin'
Subject: RE: non-conforming lot question

Would you please put this on the agenda? I'll let the applicant know.

Paul Bacon
Code Enforcement Officer
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275
(603) 485-4747 x1214

From: David Jodoin [mailto:djodoin@pembroke-nh.com]
Sent: Friday, October 28, 2022 4:23 PM
To: Paul Bacon <buildinginspector@pembroke-nh.com>
Subject: Re: non-conforming lot question

Can't be on the agenda until next meeting on the 16th

Sent from my iPhone

On Oct 28, 2022, at 3:41 PM, Paul Bacon <buildinginspector@pembroke-nh.com> wrote:

David,

This morning, I got a single family home application for 427 North Pembroke Rd.

Carolyn had reached out to Laura to get an opinion in May—see below.

How would you like to work this? It needs Selectmen approval.

I've attached the permit application.
Paul

Paul Bacon
Code Enforcement Officer
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275
(603) 485-4747 x1214

From: Carolyn Cronin [mailto:ccronin@pembroke-nh.com]
Sent: Friday, October 28, 2022 3:04 PM

To: buildinginspector@pembroke-nh.com
Subject: FW: non-conforming lot question

Carolyn Cronin

Town Planner
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275
(603) 485-4747 x1210

From: Carolyn Cronin [<mailto:ccronin@pembroke-nh.com>]
Sent: Thursday, May 19, 2022 2:22 PM
To: David Jodoin <djodoin@pembroke-nh.com>
Cc: buildinginspector@pembroke-nh.com
Subject: FW: non-conforming lot question

Hi David, we got a request from someone to tear down and rebuild a home on a preexisting, non-conforming lot (grandfather) – 427 North Pembroke Road. Because it has no frontage (it's landlocked with a legal right of way over another lot), it would be the Selectmen that issue the building permit (see email chain below).

If they fill out a building permit application is this something you could place on a future agenda? Let me know if you have questions.

Thanks

Carolyn Cronin

Town Planner
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275
(603) 485-4747 x1210

From: Laura Spector-Morgan [<mailto:laura@mittellmunigroup.com>]
Sent: Thursday, May 19, 2022 1:33 PM
To: Carolyn Cronin <ccronin@pembroke-nh.com>
Cc: buildinginspector@pembroke-nh.com
Subject: RE: non-conforming lot question

Technically, they would need permission from the selectmen under RSA 674:41 to do this because it involves the issuance of a building permit, but I don't see how the selectmen could deny it. There shouldn't be any need for zoning relief since it has been used residentially before zoning.

Laura

Laura Spector-Morgan, Esquire

Mitchell Municipal Group, P.A.
25 Beacon Street East
Laconia, NH 03246
(603) 524-3885
fax (603) 524-0745
www.mitchellmunicipalgroup.com

<image001.jpg>

From: Carolyn Cronin
Sent: Thursday, May 19, 2022 1:16 PM
To: Laura Spector-Morgan <laura@mitchellmunigroup.com>
Cc: buildinginspector@pembroke-nh.com
Subject: non-conforming lot question

Hi Laura

Just want to run my thoughts by you, if I may! 427 North Pembroke Road is an existing non-conforming lot (landlocked, has no frontage) that has a small home on it that has been there and been occupied as far back as the 1980s. The lot has an existing legal right of way through another lot for access.

The question is, the owners want to demo the house and build a new larger house. Seeing as the lot is a pre-existing non-conforming, and the house has been continually occupied, it seems like as long as they continue to meet all other dimensional requirements (setbacks, etc.) that we should be able to issue a building permit? I searched through the deed and any associated plans and permits to make sure there were no specific restrictions and found none... It seems pretty straight forward, but I just wanted to bounce it off of you.

Thanks,

Carolyn

Carolyn Cronin
Town Planner
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275
(603) 485-4747 x1210

<20221028152127839.pdf>

⚙ APPLICATION FOR RESIDENTIAL MAJOR BUILDING PERMIT

APPLICATION DETAILS

Application #:	RMJ-22-10466	Date Issued:		Permit #:		Date Paid:	
Fee Payable: (\$)	0.00	Fee Paid: (\$)	0.00	Receipt #:			

SECTION 1 - SITE INFORMATION

Street Name	NO PEMBROKE RD	Map Block Lot	937-2-1
Street Number	427	Zone	R-3D
Unit Number	1		

SECTION 2 - OWNER INFORMATION

Owner Name	SEAVEY, PETER L & CHERYL C, TRUSTEES				
Street Number	43	Street Name	TEMPERANCE HILL DR		
City	NORTHWOOD	State	NH	Zip	03261
Telephone		Email			

SECTION 3 - APPLICANT INFORMATION

Applicant Name	Chris Gilbert				
Street Number	1	Street Name	Bona Vista Dr		
City	Bow	State	NH	Zip	03304
Telephone	603-731-3977	Email	chrisgilbert3977@gmail.com		

SECTION 4 - MAILING ADDRESS

Street Number	37	Street Name	Profile rd	
City	Northwood	State	NH	Zip 03262

SECTION 5 - WORK DETAILS

5.1 Water Supply

☐ Pembroke Water Works

5.2 Sewage Disposal System

☒ Septic System ☐ Town Sewer

5.3 Type of Building

Single Family

5.4 Type of Work

☒ New Building ☐ Existing Building
☐ Foundation Only

Brief Description of Proposed Work

build new 1 family home with garage

Does This Construction Require a Variance Or Special Exception?

☒ Yes
☐ No

Date Variance or Special Exception Granted

Explain Conditions/Terms of Variance/Special Exception

SECTION 6 - GENERAL CONTRACTOR

☐ Home Owner's Permit - No Contractor Required

Name

Chris Gilbert

License Number

Expiration Date

Street Number

1

Street Name

Bona Vista Dr

City

Bow

State

NH

Zip

03304

Telephone

603-731-3977

Email

chrisgilbert3977@gmail.com

☒ I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

SECTION 7 - ARCHITECT/ ENGINEER

Name

(Registrant)

Registration Number		Expiration Date	
Street Number		Street Name	
Telephone		Email	

SECTION 8 - MECHANICAL			
Name	TBD	License Type	
License Number		Expiration Date	
Street Number		Street Name	
Telephone		Email	

SECTION 9 - PLUMBER			
Name	TBD	License Type	
License Number		Expiration Date	
Street Number		Street Name	
Telephone		Email	

SECTION 10 - ELECTRICIAN			
Name	TBD	License Type	
License Number		Expiration Date	
Street Number		Street Name	
Telephone		Email	

SECTION 11 - SEPTIC / SEWER INSTALLER			
Name	TBD	License Type	
License Number		Expiration Date	
Street Number		Street Name	
Telephone		Email	

SECTION 12 - TOTAL PROJECT VALUATION/ TOTAL SQUARE FOOTAGE

Total Project Valuation

\$ 270000.00

Total Square Footage

2600

SECTION 13 - PROPERTY OWNER AUTHORIZATION

I am the



Owner



Contractor / Agent

I, SEAVEY, PETER L & CHERYL C, TRUSTEE as owner of the subject property hereby authorize Chris Gilbert to act on my behalf, in all matters relative to work authorized by this building permit application.

Property Owner's
Email

OR



Copy of Signed Contract to be attached after submitting application

Telephone
No.



I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date

REQUIREMENT

COPY OF STATE APPROVED SEPTIC DESIGN

DRIVEWAY PERMIT (OBTAIN FROM ROAD AGENT OR NH DEPT. OF TRANSPORTATION)

SKETCH (WITH DIMENSIONS) SHOWING LOCATION OF PROPOSED BUILDING(S) AND SETBACKS.

ENGINEERED BUILDING PLANS (STAMPED BY ENGINEER) IF APPLICABLE

PLANNING & ZONING BOARDS APPROVAL (ATTACH COPIES OF APPROVALS WITH CONDITIONS)

DECLARATION

I, Chris Gilbert as Owner/Authorized Agent hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief. Signed under the pains and penalties of perjury.



I do hereby certify under the pains & penalties of perjury that the information provided above is true and correct.

Date

10/28/22

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 32

MUNICIPAL BUDGET LAW

Expenditures

Section 32:11

32:11 Emergency Expenditures and Overexpenditures. –

When an unusual circumstance arises during the year which makes it necessary to expend money in excess of an appropriation which may result in an overexpenditure of the total amount appropriated for all purposes at the meeting or when no appropriation has been made, the selectmen or village district commissioners, upon application to the commissioner of revenue administration or the school board upon application to the commissioner of education, may be given authority to make such expenditure, provided that:

I. Such application shall be made prior to the making of such expenditure. No such authority shall be granted until a majority of the budget committee, if any, has approved the application in writing. If there is no budget committee, the governing body shall hold a public hearing on the request, with notice as provided in RSA 91-A:2.

II. The commissioner of revenue administration or the commissioner of education may accept and approve an application after an expenditure if caused by a sudden or unexpected emergency, in which case paragraph I shall not apply.

III. Neither the commissioner of revenue administration nor the commissioner of education shall approve such an expenditure unless the governing body designates the source of revenue to be used. Neither commissioner shall have the authority to increase the town or district's tax rate in order to fund such an expenditure.

IV. When applying to the commissioner of education for such authority, the school board shall send a copy of such application to the department of revenue administration. The commissioner of education, when granting authority to the school board, shall notify, in writing, the commissioner of revenue administration of any and all authorizations given to school boards for emergency expenditures or overexpenditures, and the revenue source for funding such expenditures.

V. Notwithstanding paragraphs I through IV, if the legislative body has by warrant article established a contingency fund in the annual budget for the purpose of unanticipated expenses, the board of selectmen may expend funds from such account to meet the costs of such expenses.

Source. 1993, 332:1, eff. Aug. 28, 1993. 1996, 214:5, eff. Aug. 9, 1996. 1999, 140:1, eff. Aug. 24, 1999. 2013, 115:1, eff. Aug. 24, 2013.

DRAFT

Town of Pembroke Policy
Building Permits on Class VI or Private Roads

1. Purpose and Intent

Under RSA 674:41, the Board of Selectmen has the discretion to authorize the issuance of building permits on Class VI or private roads within the Town, after review and comment by the Planning Board.

The Board of Selectmen has adopted these guidelines to help guide the decision-making process when it is presented with such an application. It is emphasized that the Board of Selectmen will consider any factor relevant to the authorization of a building permit in a particular case. Therefore, this statement of guidelines is not intended to describe an exhaustive list of considerations, but to be a guide for both the Board of Selectmen and applicants for such building permits.

The New Hampshire Supreme Court has said that one of the purposes of RSA 674:41, I(c) is to prevent scattered and premature development; that the decision of whether to allow building on Class VI roadways or private roads is a major policy decision; and that unrestricted building can have a major impact on the Town's budget if the Town is forced to subsequently upgrade substandard unmaintained roads. The Board is mindful that development along a Class VI or private road may tend to drain existing Town services and force increased costs to the Town to provide additional services. It is therefore the purpose of these guidelines to minimize development along Class VI and private roads. It is also the purpose of these guidelines to ensure that any structures built on Class VI or private roads are reasonably accessible to emergency vehicles twelve months each year. In that way, the safety and property of people occupying or using those structures will not be unreasonably placed at risk, nor will the safety of emergency response personnel or their vehicles and equipment be unreasonably endangered.

2. Application

Every application to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI or private road shall be made in writing and accompanied by a map drawn to scale showing:

- a. The location and the size of the lot and its relation to the Class VI or private road providing access, and the distance to the intersection with the Class V or better road which gives access to the Class VI or private road;
- b. The specific location of all proposed and existing structures;
- c. The location and length of the driveway giving access to the structures from the Class VI or private road;
- d. Existing features along the length of the Class VI or private road from the proposed structure to the intersection with the Class V or better road providing access;
- e. Proposed improvements to the Class VI or private road;
- f. Any other information which the Board of Selectmen may reasonably require.

DRAFT

3. Criteria to Be Considered

The Board of Selectmen should issue a building permit upon a Class VI or private road only when it is demonstrated by an applicant, and determined by the Board of Selectmen, that issuance of the permit will not have a negative impact upon the Town and that the Class VI or private road in question provides safe, sufficient, and adequate all-season access. The Board of Selectmen should evaluate applications, in consultation with the Planning Board, using the following criteria (as well as any other criteria they deem relevant):

- a. Conditions of the Class VI or Private Road:
 - whether the road has adequate drainage,
 - whether the grade is suitable to handle increased development and use,
 - whether the surface is suitable for increased use and/or weight, and
 - whether public safety personnel, vehicles and/or equipment would have difficulty reaching the property, creating increased risks to those occupying or using the proposed structure(s) as well as increased risk to the responding public safety personnel, vehicles, or equipment.
- b. The nature, condition and grade (12% or less) of the Class VI or private road from its intersection with a Class V or better road to the driveway of the subject property.
- c. Length of travel to reach the nearest intersection with a Class V or better road (see Section 4 below).
- d. Conditions of connecting roads and intersections: whether they are adequate to handle increased traffic.
- e. Whether issuance of the building permit would tend to distort the Town's official map or Master Plan.

Commented [SMW1]: Confirm this is the maximum allowable grade

4. Distance to Class V Road

No building permit will be authorized if the driveway access to the principal structure from the Class VI or private road begins more than _____ feet from the intersection of the Class VI or private road and the Class V or better road giving access. Applications that meet the _____ foot distance will not automatically be approved as this is but one criterion to be considered.

Commented [SMW2]: Need to set maximum allowable distance to issue permit. Perhaps based on length of fire hose. Once set, that distance should be filled in.

The Board of Selectmen may consider waiving the _____ foot distance:

- i. Where the deviation from the _____ foot distance is insignificant and the Board finds the issuance of the permit is not contrary to the spirit and intent of this policy; *or*
- ii. Where the applicant proposes to physically bring the relevant portion of the Class VI or private road to the Town's Class V standards; and
- iii. The Board requires the applicant to properly maintain the improved portion of the Class VI or private road; and
- iv. The Board finds that the issuance of the building permit is not contrary to the spirit and intent of this policy.

DRAFT

5. Improvements to Class VI or Private Roads

- a. Before beginning any work within the limits of the Class VI road (including the traveled way and any shoulders, drainage structures, or associated areas), the applicant must obtain written permission from the Board of Selectmen pursuant to RSA 236:9-:11, and shall be subject to the penalties provided by RSA 236:14 and any other applicable statute or ordinance for failure to secure or comply with the terms of that permit. This requirement for permission shall not apply to private roads.
- b. When a Class VI or private road is to be brought "to Class V standards," the standards to be met are those set out in the Town's Subdivision Regulations.
- c. At a minimum, the Board of Selectmen shall require the following standards in all seasons for the Class VI or private road providing access to the property, from the intersection with the Class V road providing access to the driveway of the subject property:
 - A traveled way width of at least 20 feet;
 - A height clearance of at least 13.5 feet;
 - A grade of no more than 12%; and
 - A suitable driving surface to accommodate the weight of fire apparatus or other emergency vehicles.
- d. The Board of Selectmen will require that the proper completion of the improvements be secured by providing to the Town security in a form and amount to be determined by the Board of Selectmen.
- e. The Board of Selectmen will also require that all such work, whether to Class V standards or some other standard, be completed to the satisfaction of the Town's Road Agent.

Commented [SMW3]: This section has been revised to incorporate the NHFPA 1, sect. 18 standards.

6. Notice to Be Recorded

Prior to the actual issuance of any building permit authorized by the Board of Selectmen for construction on a Class VI or private road, the applicant shall provide the Town with an executed notice to be recorded at the Merrimack County Registry of Deeds. The Town will have the notice recorded at the applicant's expense. The notice shall include all of the following information:

- a. The property owner's name and contact information
- b. Description of the property (address and/or map and lot number)
- c. Book and Page number of the property owner's deed as it is recorded in the Registry
- d. Name of the Class VI or private road and the fact that it is a Class VI or private road
- e. Statement that the Selectmen, after review and comment by the Planning Board, adopted a policy under RSA 674:41 that allows building on Class VI or private roads under certain circumstances
- f. Details regarding the building permit issued in this case (date it was issued and its location on file with the Town)
- g. Statement referring to RSA 674:41, I(c) or I(d), as applicable, and RSA 231:93, that the Town of Pembroke has no legal duty to maintain the road (including plowing, grading, drainage, paving, etc.), nor does it assume or have any liability for damages resulting

DRAFT

from the use of the road. Further, the statement should provide that municipal services such as police, fire, ambulance, school bus transportation, and others, may be unavailable at times.

- h. The owner agrees to these limitations of Town responsibility and liability, and the owner is responsible for any road improvements, maintenance, and/or repair work.
- i. For Class VI roads only: Prior to performing any road repair or maintenance work on a Class VI road, the owner will obtain approval of the Board of Selectmen or road agent under RSA 236:9. Describe, if any, the types of work the owner has standing written permission from the Town to perform, together with any conditions.
- j. For Class VI roads only: The road is a public highway and the owner shall not prohibit unauthorized use
- k. For Class VI roads only: Pursuant to RSA 41:11, the Board of Selectmen retains full authority to regulate the public use of the road, including the owner/applicant's use, and the installation of unlocked gates or bars.
- l. Witnessed signatures of the owner(s) and the Board of Selectmen.

7. Occupancy Certificate

No Certificate of Occupancy will be issued by the Town of Pembroke until the requirements of road improvements, if any, under a permit issued pursuant to this policy have been satisfied and signed off on by the Board of Selectmen or their designee. If the building is occupied without a Certificate of Occupancy, the occupants and/or owner shall be subject to penalties according to all applicable Town ordinances and State laws.

Dated: _____

[Insert signature block for Board of Selectmen]

David Jodoin

From: Steven M. Whitley <SWhitley@dwmlaw.com>
Sent: Wednesday, November 9, 2022 12:47 PM
To: David Jodoin
Subject: RE: [Plan-link] Subdivision of nonconforming lots
Attachments: Class VI_Private Road Policy-draft 11.9.22.DOCX

David,

Here is the revised Class VI/private road policy. There are some comments from me in the margin. If you want a clean copy, just let me know. Below I address the substance of the revised policy and then the process to adopt.

Road Access Requirements

At section 5 (c) I have tried to incorporate the fire code access requirements. Note that the town still needs to determine the maximum distance from a Class V road that is authorized for building permits, as well as the maximum allowable grade.

As drafted, this policy sets an outer limit from a Class V road to pull a building permit. That outer limit can be waived in certain circumstances. If an owner wants to pull a permit beyond that distance, they will need to bring the road up to Class V standards. Even if they do that, it does not become a Class V road maintained by the town until and unless the BOS accepts it as a result of a layout petition or town meeting votes to make it Class V.

This draft policy also establishes that anytime the BOS issues a permit under this policy, the minimum fire road access standards must be satisfied. So even when an owner is pulling a permit that is within the distance limit, these minimum road standards must be in place.

Note that the attached policy and the above description does not addresses or apply to lots shown on a plan approved by the PB where the entire length of Class VI or private road is shown on the approved plan. An outstanding issue is whether NFPA 1 applies to those lots as well. Unless you ask me not to dig into that, I intend to arrive at an answer of some sort ahead of my meeting with the ZBA on Nov. 16th because it may come up and it is a loose end that needs an answer.

Process to Adopt

There is no explicit statutory requirement that provides the exact process for adopting a policy like this. To err on the side of caution and provide at least some due process to the public of what the BOS is considering, I recommend the following:

- The BOS votes to proceed to a public hearing to consider adopting this policy and sets a date for the public hearing to do that;
- A draft of the policy is available to the public to review;
- The town provides notice of the public hearing by: posting the public hearing on the town's website and at least one other place in town; and publication in the paper at least 7 days before the scheduled public hearing;
- The notice should state at a minimum: that the town is considering adopting a policy on the issuance of building permits on Class VI and private roads, the time and place of the public hearing, and where the full draft policy is available to review;

- The BOS solicits input from the public at the public hearing;
- The BOS may want to have department heads and town staff at this hearing to address questions as they come up;
- After hearing from the public and perhaps other interested town departments (fire, police, ems, DPW, town staff, etc.), the BOS could make additional changes and then proceed to vote to adopt the policy;
- The BOS should state when the policy will go into effect...likely immediately upon passage.

Steven

Steven M. Whitley

Attorney

Drummond Woodsum

802.249.8423 Cell

603.792.7434 Direct | SWhitley@dwmlaw.com

Inclusion is a professional and personal value of mine. One way I practice gender inclusion is to share my gender pronouns. Mine are he/his.

From: David Jodoin <djodoin@pembroke-nh.com>

Sent: Friday, November 4, 2022 5:06 PM

To: Steven M. Whitley <SWhitley@dwmlaw.com>

Subject: RE: [Plan-link] Subdivision of nonconforming lots

How about this, can you wordsmith this and legalize it in your language and then send me the process to get this approved by the Board.

I would like them to see a draft at their next meeting on 11/16 with hopefully a vote on 12/7

From: Steven M. Whitley [<mailto:SWhitley@dwmlaw.com>]

Sent: Friday, November 4, 2022 4:23 PM

To: 'David Jodoin' <djodoin@pembroke-nh.com>

Subject: RE: [Plan-link] Subdivision of nonconforming lots

Hi David,

I don't think I've provided any guidance or opinion on that particular question. Let me look into that and I'll respond early next week if that's ok.

Steven M. Whitley

Attorney

Drummond Woodsum

802.249.8423 Cell

603.792.7434 Direct | SWhitley@dwmlaw.com

Inclusion is a professional and personal value of mine. One way I practice gender inclusion is to share my gender pronouns. Mine are he/his.

From: David Jodoin <djodoin@pembroke-nh.com>

Sent: Friday, November 4, 2022 3:56 PM

To: Steven M. Whitley <SWhitley@dwmlaw.com>

Subject: FW: [Plan-link] Subdivision of nonconforming lots

This came from the Deputy Fire Chief

From: Robert Farley [<mailto:rfarley@pembroke-nh.com>]

Sent: Friday, November 4, 2022 3:30 PM

To: Carolyn Cronin <ccronin@pembroke-nh.com>

Cc: buildinginspector@pembroke-nh.com; David Jodoin <djodoin@pembroke-nh.com>; Paul Gagnon <pgagnon@pembroke-nh.com>

Subject: Re: [Plan-link] Subdivision of nonconforming lots

Carolyn,

You are correct. The NH State Fire Code, which can only be waived by the NH State Fire Marshal upon application, requires fire department access roads. We are prepared to stand behind this requirement. However, it was my assumption that our town attorney(s) were not willing to. As such, what would be the point if we don't have any support in the legal system?

What is the town attorney's opinion of the enforcement of the NH State Fire Code on this issue?

Regards,

Rob

Robert B. Farley, CFI-IAAI, COMML

Deputy Fire Chief

Fire Prevention and Communications Division

Pembroke Fire Department

247 Pembroke St

Pembroke, NH 03275

(603) 485-3621 X2253

www.pembroke-nh.com

On Nov 4, 2022, at 22:53, Carolyn Cronin <ccronin@pembroke-nh.com> wrote:

Hi All

I'm on a planners email chain in the state and one of the topics discussed last week was about building on Class VI roads. In the message below, there is a portion of the Fire Code cited about fire department access roads and their standards. I don't know anything beyond what was shared in the message below, but the Fire code info may (or may not) help inform you folks on Class VI road decisions.

Just thought I'd share!

Carolyn

Carolyn Cronin

Town Planner

Town of Pembroke

311 Pembroke St.

Pembroke, NH 03275

(603) 485-4747 x1210

From: plan-link-bounces@maillist2.nh.gov [<mailto:plan-link-bounces@maillist2.nh.gov>] **On Behalf Of** Robert D. King via Plan-link

Sent: Tuesday, November 1, 2022 4:15 PM

To: 'John Bergeron' <bergeronjh@gmail.com>; plan-link@maillist2.nh.gov

Subject: Re: [Plan-link] Subdivision of nonconforming lots

John and I can agree to disagree on this. There is indeed a faction of town officials and planners who are inclined to be permissive on the question of allowing homes on shabby Class VI roads, just as there is a faction of the opposite view. I think it's fair to say that state law and prudence favor the latter group. There is certainly a plethora of evidence that such permissiveness leads to harms and hardships to both Towns and the supposed beneficiaries of the lenience. My position on this is based on my direct observations of many cases of these harms.

The present case is about allowing multiple homes relying on a Class VI road for their access – four already, with a fifth proposed. Having multiple homes on a Class VI road greatly raises the risk of serious issues for the owners as well as the Town. Attached is a news article about one example of this. In my opinion, no Town should ever allow multiple homes on a Class VI road unless their owners all sign an enforceable joint maintenance agreement that specifies maintenance standards and compels all owners to contribute to maintenance costs.

A very common problem with homes on Class VI roads is that such homes are in sharp conflict with the public's right to travel on such roads. The homeowners resent such public use's intrusion on their privacy. Worse, the homeowners deeply resent the fact that the public can use the road without paying toward its maintenance. This issue becomes particularly heated when the public's use causes an increased need for maintenance, or even damage. Confrontations and unlawful attempts to limit public travel are common in these instances.

Regarding standards to be met, there's the state fire code. Here I'm quoting John Bergeron on what he had to say recently in a Plan-Link message about this subject: "To add another independent requirement: The state has adopted the 2015 fire code NHFPA 1. Section 18.2.3. deals with fire department access roads, which must be 20 feet wide, 13.5 feet height clearance, passable in full width and height, in all seasons, by fire vehicles. New buildings or altered buildings shall have such a road. If such road is over 150 feet, emergency vehicle turnaround shall be provided. Unlike earlier editions, the fire chief may not waive the specific items above." Very few Class VI roads could meet this standard. To Kathy, I urge you to involve your Town's Fire Chief in this matter.

Also to Kathy, I urge you to read what the Highways Manual of the NH Municipal Association has to say on this very subject. The title of this book is *A Hard Road to Travel*. No planning board should be without copies of this authoritative publication. If your Town is a member, you can seek advice from their staff lawyers. Based on what I remember about what this manual says about this subject, I don't think you'll find them to be in the "permissive" camp.

Bob King

From: plan-link-bounces@maillist2.nh.gov <plan-link-bounces@maillist2.nh.gov> **On Behalf Of** John Bergeron via Plan-link
Sent: Sunday, October 30, 2022 5:39 PM
To: plan-link@maillist2.nh.gov
Subject: Re: [Plan-link] Subdivision of nonconforming lots

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

I don't agree that New Hampshire Practice, Section 55.07 & 55.08, requires class V access for subdivision, and subdivision access via class VI is insufficient. The words use by NH Practice are "he will probably not be permitted to do so without being required to make the roadway improvements necessary to bring the roadway up to at least a Class V status." His use of the word "probably" allows for a few cases where it may be acceptable to subdivide on class 6 roads. If the land owners receive town permission, they may upgrade and maintain the class VI road sufficient for emergency vehicle access. It won't become class V, because the town doesn't maintain it. A two lot subdivision on a class VI road in a rural part of the state may make sense, and is a permissible option, in my opinion. Each town needs to decide, for each specific case, and hopefully the master plan provides guidance.

John Bergeron

Canaan PB

On 10/30/2022 2:38 PM, Robert D. King via Plan-link wrote:

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

What's new here from Kathy is that the intended access road is Class VI rather than private, and that the lot in question has the requisite frontage on a Class V road, even though that frontage isn't being used for access. Presumably the Class VI road connects to a Class V road. Apparently the owner wants to save money by using the existing Class VI roadbed rather than constructing a new driveway off of the adjoining Class V road.

I think that a careful review of applicable law, plus prudence, will lead to a conclusion that the status quo of the lot is OK, but a subdivision makes it necessary to require that the access be from the adjoining Class V road. Basically, a single lot with access by a Class VI or private road is conditionally allowable (RSA 674:41), but a subdivision with such access is not. See attached excerpt from Vol 16 of the encyclopedic set of books on NH law known as *New Hampshire Practice*, Section 55.07 & 55.08, which addresses this issue directly. The choice of the owner is either to upgrade the Class VI road to Class V status at his expense (RSA 231:23), or to construct a new driveway that connects to the Class V road through the frontage on it.

Bob King

From: Epsom Planning <planning@epsomnh.org>
Sent: Saturday, October 29, 2022 5:27 PM
To: Robert D. King <rdkingx2@twc.com>
Cc: W Jeffrey Allard <jeff@lakeside.life>; Tara Bamford <tebamford@gmail.com>; plan-link@maillist2.nh.gov
Subject: Re: [Plan-link] Subdivision of nonconforming lots

I think I was unclear. Both proposed lots will have the necessary frontage but will access via a class 6 road.

Sent from my iPhone

On Oct 27, 2022, at 4:53 PM, Robert D. King <rdkingx2@twc.com> wrote:

So far the responses to Kathy's questions focus on whether to allow building on a lot that lacks frontage on a Class V or better road (RSA 674:41). It seems to me the bigger question raised by Kathy is whether to allow subdivision of a lot that has no frontage on a Class V or better road. Last I knew, that is a serious no-no.

Jeff's advice is sound and should give you pause. I would go further and suggest that allowing homes to be built on anything but Class V or better is to open a can of worms that can haunt both the town and the owner (and future owners) with serious problems and hardships. Horror stories available on request. And it is antithetical to the general principle that homes shouldn't be built where they lack proper and reliable all-season access, especially by emergency vehicles. An added downer is that such homes are excluded from FEMA recovery assistance.

Bob King

Plan-Link Subscriber

From: plan-link-bounces@maillist2.nh.gov <plan-link-bounces@maillist2.nh.gov> **On Behalf Of** W Jeffrey Allard via Plan-link
Sent: Thursday, October 27, 2022 3:47 PM
To: Tara Bamford <tebamford@gmail.com>; Epsom Planning <planning@epsomnh.org>
Cc: plan-link@maillist2.nh.gov
Subject: Re: [Plan-link] Subdivision of nonconforming lots

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Kathy,

In our town, this requires an Agreement and Waiver of Liability from the BOS, following comment from the PB. Building on Private and Class VI roads is a very controversial topic. Some oppose building on Class VI/Private roads, some support limited development. There are many issues, but it is worth a careful and thoughtful examination based on your town's vision, Master Plan, and how you wish the town to be developed.

The only meaningful observations I have are to educate yourselves on the issues (either OSI or NHMA have excellent educational materials), and to debate these kinds of requests in the context of an overall philosophy of building on Class VI/private roads that works for your town, but not as a one-off or as a single isolated request.

Jeff Allard
New Durham Planning Board

From: plan-link-bounces@maillist2.nh.gov <plan-link-bounces@maillist2.nh.gov> on behalf of Tara Bamford via Plan-link <plan-link@maillist2.nh.gov>
Date: Wednesday, October 26, 2022 at 8:48 PM
To: Epsom Planning <planning@epsomnh.org>
Cc: plan-link@maillist2.nh.gov <plan-link@maillist2.nh.gov>
Subject: Re: [Plan-link] Subdivision of nonconforming lots

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

That depends on what your zoning and sub regs say and if it follows 674:41.
Tara E. Bamford
Community Planning Consultant

802-295-1862

Experience, Innovation and Common Sense Solutions

On Wed, Oct 26, 2022 at 8:27 PM Epsom Planning via Plan-link <plan-link@maillist2.nh.gov> wrote:

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

We have an applicant who has a driveway on a private road. He wants to subdivide (into two lots). Our wonder is can someone subdivide a nonconforming lot? The driveway for the proposed lot would also be on the private road.

Currently, there 4 driveways on the private road.

Thank you,

--

Dr. Kathy DesRoches
Chair, Epsom Planning Board

Plan-link mailing list

Plan-link@maillist2.nh.gov

<https://maillist2.nh.gov/mailman/listinfo/plan-link>

Plan-link mailing list

Plan-link@maillist2.nh.gov

<https://maillist2.nh.gov/mailman/listinfo/plan-link>

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
November 2, 2022 at 6:30 PM**

DRAFT,

Present: Selectman Richard Bean, Selectman Peter Gagy, Selectman Rick Frederickson,
Selectman Sandy Goulet

Excused: Selectman Karen Yeaton

Staff: Town Administrator David Jodoin

I. Call to Order:

Chairman Goulet called the meeting to order at 6:30pm.

II. Citizens Comment:

None

III. Scheduled Meetings:

Public Hearing – RSA 31:95 III (a) Acceptance of unanticipated funds Highway
Block Grant Money \$140,263.44; and Locality Equipment Purchase \$40,989.00.

Selectman Goulet opened the public hearing at 6:33pm.

No questions or comments from the public.

Selectman Goulet closed the public hearing at 6:34pm.

Selectman Frederickson made a motion to approve the acceptance of the following
in accordance with RSA 31:95 III (a): Highway Block Grant in the amount of
\$140,263.44 and Locality Equipment Purchase in the amount of \$40,989.00.

Selectman Bean seconded the motion. Motion passed 4-0.

IV. Old Business

None

V. New Business

Transfer request from Trustee of Trust Funds

Selectman Frederickson made a motion to request the following reimbursements from the Trustee of Trust Funds; \$33,500 from the Town Equipment Capital Reserve Fund, \$1,800 from the Cemetery Capital Reserve Fund, \$111,607.30 from the Fire Small Equipment Fund, \$17,504.52 from the Police Department Small Equipment Capital Reserve Fund, \$218,149.30 from the Town Building Capital Reserve Fund, \$26,581.74 from the Town Revaluation Capital Reserve Fund, and \$24,900 from the Recreation Capital Reserve Fund. Selectman Gagyí seconded the motion. Motion passed 4-0.

Approval of 2023 Town Budget and Capital Expenses

David explained there is a budget increase this year due to the bond for Main Street that was taken out last year. The bond is being paid for through taxation rather than the paving lines. The Police Department was approved for a new position as well as part timers and there is a large increase in the cost of recycling.

Selectman Frederickson explained the Solid Waste Committee met with Casella and they discussed the reasons behind the increased costs in recycling. The commodity market for recycling is going down. If the Town decides to halt the recycling program, and the market changes again, the residents then have to transition again and at each step there is a re-education process. The Committee thinks it is best to handle the increased costs for now and see how the market works out before making any drastic changes to the program.

Selectman Bean made a motion to accept the 2023 budget as presented. Selectman Gagyí seconded the motion. Motion passed 4-0.

The Budget Committee will start meeting again on November 10th. They will begin with the Library and a general overview of the Town budget. November 17th they will meet with Tri-Town Ambulance to discuss the budget as well as the status and impacts of the dissolution of the Inter-Municipal Agreement with Allenstown.

Manifests/Abatements

Selectman Frederickson made a motion to accept the manifests and abatements as presented. Selectman Gagyí seconded the motion. Motion passed 4-0.

Minutes - 10/5/22; 10/19/22

Selectman Frederickson made a motion to accept the minutes of October 5, 2022 and October 19, 2022 as presented. Selectman Gagyí seconded the motion. Motion passed 4-0.

VI. Town Administrator Report:

Pembroke Women's Club Christmas in the Village will be December 4, 2022.

Zoning Board is discussing the issue of a homeowner on 6th Range Road that the Court ordered the Town to issue a permit to but did not mention the liability waiver. It is in the best interest of the Town and the abutters for that liability waiver to be enforced. The Board was in agreement.

Zoning Board had to postpone the public hearing regarding the purchase of the old TD Bank building due to number of residents who showed up at Town Hall and the inability to fit them all in. The meeting was adjourned and postponed to November 27th at Pembroke Academy.

There is a meeting Saturday November 5th in Allenstown at the Boys and Girls Club to discuss the 2023 Tri Town budget if anyone is interested in attending.

D. Jodoin discussed the 2023 budget and the fact that Allenstown was pushing for a second ambulance to be added to the budget to cover any missed calls. The EMS Board and the Director obliged and inserted that into the budget. Now the Town of Allenstown wants to remove it and use their Ambulance to cover the calls. Selectmen Goulet stated that she had no interest in changing the plan that has been presented and approved by the EMS Board at the last minute. The remaining Board members were in agreement.

VII. Committee Reports:

Selectman Goulet – None

Selectman Fredrickson – Planning voted to not approve the 245 Pembroke Hill wetland crossing, voted the 15 Lindy Street application was complete, and the 52 Sheep Davis Road property was continued to next month.

Selectman Bean – Road Committee discussed some issues with Fairview and the status of the Main Street Project.

Selectman Gagyi – Went to the Energy Committee Meeting at Pembroke Academy and they had around 25 people show up.

VIII. Other Citizen Comment:

None

IX. Non- Public Session:

None

X. Adjourn:

Selectman Frederickson made a motion to adjourn at 7:30 PM. Selectman Bean seconded the motion and it was approved unanimously.

Sandy Goulet, Vice Chairman

For more detailed information, the meetings are now taped and can be seen on www.townhallstreams.com click on Pembroke NH and look for the day of the meeting under the month.

BETHLEHEM

Landfill rejection upheld by state board

■ Casella Waste Systems expects case to end up in the New Hampshire Supreme Court.

By Mark Hayward
Union Leader Staff

A state board last week reiterated an earlier rejection of plans to expand the Casella Waste Systems landfill in the town of Bethlehem.

The New Hampshire Waste Management Council rejected requests by Casella and the state Department of Environmental Services (DES) to reconsider a decision this past spring, which rejected the expansion.

In doing so, the Waste Management Council ruled that the DES did not follow state law when it granted permits for the expansion in 2020. At present, the landfill is scheduled to be capped and closed in four years.

"We'll say it again: there is simply no need for this landfill," said Conservation Law Foundation staff attorney Heidi Trimarco in a statement.

"The Waste Management Council has made it clear yet again that the state cannot permit new landfills that aren't needed to satisfy New Hampshire's disposal needs. It's time for Casella to give up this fight and be a partner in reducing waste through recycling and composting," Trimarco said.

Vermont-based Casella operates the North Country Environmental Services landfill in Bethlehem and had sought expansion.

In an email, a Casella official said the company expected the case would end up in the New Hampshire Supreme Court ever since this past spring, and the company intends to appeal to the high court.

"It is premature for anyone, particularly opponents of the landfill's future role in New Hampshire's environmental infrastructure, to claim victory in this matter," said Jeff Weld, Casella director of engagement.

State law required the company to request a reconsideration by the Waste Management Council before appealing to the Supreme Court, he said.