

AGENDA
BOARD OF SELECTMEN
June 17, 2019 AT 6:30 PM
TOWN HALL, PAULSEN MEETING ROOM

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Continuation of Public Hearing San-Ken Homes
 - b. Public Hearing in Accordance with RSA 41:14-a
- IV. OLD BUSINESS:
 - a. Finalize and Execute Tax Deeds
 - b. Deed Waivers
 - c. Street Light Update
 - d. Future street light pole regulations
 - e. Solid Waste Agreement
 - f. 4 Union Street
- V. NEW BUSINESS:
 - a. DPW correspondence
 - b. CIP Resignation
 - c. Manifest/Abatements
 - d. Minutes 6/3/19
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. NON PUBLIC SESSION
- X. ADJOURN

RECEIVED

JUN 11 2019

TOWN OF
PEMBROKE, NH

357 Pembroke Hill Rd
Pembroke, NH 03275

June 10, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275

Dear Selectmen,

This is in response to your undated Public Hearing Notice in regard to the petition by San Ken Homes, Inc. to reclassify Robinson Road and portions of Fourth Range Road from Class VI to Class V. The reclassification is proposed as part of the petitioner's plan for construction of a 48-lot major subdivision (Plan Application #18-09 for Tax Map 262, Lots 43 & 45) at 373 Fourth Range Road. I am hereby invoking my right to submit the following written testimony in opposition to this petition. I am also resubmitting my April 8, 2019 letter to the Board (enclosed) as part of my testimony.

I am concerned that statements by unauthorized Town representatives have lead to a plan for Fourth Range Road which is unnecessary, inconsistent with the Town's subdivision ordinance, and detrimental to the rural character of the neighborhood. The developer's initial concept plan of September 2, 2017 did not include any proposed changes to the Class VI portion of Fourth Range Road. In the October 3, 2017 meeting of the Roads Committee, the developer was told that "...they [the Fire Department] do not like one way in and out of a development"; that "there were still possibilities [to place improvements on Class VI range roads] if the developer includes the cost to improve the roads in their plans"; and that "It is the opinion of the Roads Committee that Fourth Range Road be opened up from Pembroke Hill Road to the end of the property as well as Flagg/Robinson Road to Fifth Range Road."

Only the Planning Board has the authority to issue requirements and specifications for subdivision approval, yet the developer has revised his plan to incorporate each of the 'requirements' stated by the Roads Committee. Subsequently, in the Planning Board meeting of October 24, 2017, the developer asked if there would be a sidewalk requirement for Flagg-Robinson Road and Fourth Range Road (as required by Town ordinance). The former Town Planner replied that "there would be a waiver for that". Subsequent discussion at that meeting indicated that most Planning Board members were in favor of sidewalks. By email of January 9, 2019 from the Town Planner to the developer's engineer, he was told that, for the subdivision application to be complete, he would have to submit *"A letter requesting the following items be waived from the Subdivision Regulations with justification for each....b. 205-41.E (19)(a) Sidewalks (Request to not provide sidewalks for reasons of character of the neighborhood, drainage/impervious, etc)."*

More recently, at the April 23, 2019 meeting of the Planning Board, in a presentation by the developer, I learned that the developer had again revised the design plans for the Fourth Range Road upgrade such that it would now meet the specifications for a Class B Collector roadway as opposed to a Class C Local roadway (normally required for a subdivision). The revised plan now calls for 1,800 feet of roadway with a 24-foot wide paved surface, 4-foot gravel shoulders on both sides, and flanked by drainage ditches. Again, no sidewalks are shown on the plan, which is inconsistent with the Town's subdivision regulations regarding roads within 1 mile of a (Pembroke Hill) school.

The developer stated that the road plan was revised in response to the review letter of January 11, 2019 from KVPartners, LLC (the engineering firm under contract to the Town) and for consistency with the Town's Master Plan. This review letter stated that *"4th Range Road may eventually become a collector street as noted in the TRC comments. Since that is a possibility and a desire of the Town, we recommend the roadway width be increased to Collector Road standards or 24' wide."* I remind the Board that an updated Master Plan does not exist until approved by the Planning Board and cannot be used as the basis for the proposed reclassification or an enhanced roadway design. Likewise, evidence that the use or upgrading of Fourth Range Road, as a 'Collector Road', is a 'desire of the Town' does not exist and, in fact, evidence to the contrary is abundant, as discussed in my letter of April 8. Furthermore, a recommendation by a Town consultant does not constitute a directive from the Planning Board. In the record, I can find no action by the Planning Board to change the specifications for Fourth Range Road from Class C to Class B.

In summary, as a result of statements made by Town representatives, other than the Planning Board, the developer has moved from a position of not proposing any upgrades to Fourth Range Road, to agreeing to put in place a Class B Collector roadway, some 1,800 feet in length, with 24 feet of paved width, 8 feet of gravel shoulders, but no sidewalks and curbs, as a condition for the Town's approval of his subdivision. The Board of Selectmen is now being asked to lay out this road despite the fact that it is not required for the development, no public benefit will be achieved by it, its plan is inconsistent with the Town's subdivision ordinance, and it is detrimental to the rural character of the neighborhood.

I would like to finally call the Board's attention to RSA 674:40 which requires that in a municipality with a Planning Board that has subdivision approval authority, a highway cannot be laid out as part of a subdivision without the prior approval of the Planning Board. I therefore request that, to avoid further usurpation of the Planning Board's authority, the Board of Selectmen either reject the petition outright, or take no further action on the petition until the Planning Board has defined the need for, and specifications of, any roadways to be laid out.

Sincerely,



Brian R. Mrazik

Cc: Pembroke Planning Board

357 Pembroke Hill Rd
Pembroke, NH 03275

April 8, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Pembroke
311 Pembroke St.
Pembroke NH 03275

Dear Selectmen,

I am responding to your undated Public Hearing Notice, which I, as a legal abutter, received on March 28, 2019. The hearing is in regard to the petition by San Ken Homes, Inc. to reclassify Robinson Road and portions of Fourth Range Road from Class VI to Class V. The reclassification is proposed as part of the petitioner's plan for construction of a 48-lot major subdivision (Plan Application #18-09 for Tax Map 262, Lots 43 & 45) at 373 Fourth Range Road. I am hereby invoking my right to submit written testimony to the Board in opposition to this petition.

I would like to first object to the Board's decision to hold the public hearing (as required under RSA 231:9) at the same location (373 Fourth Range Road) as the Board's personal site examination (as required under RSA 231:11). This is not a 'neutral' location. It is the petitioner's property and some people wishing to speak may be intimidated by having to give testimony there. Secondly, it will not be recorded as all official meetings at Town Hall now are. Thirdly, it is an outdoor location subject to inclement weather conditions, lack of parking, and terrain conditions not readily accessible to all individuals who may wish to present testimony.

I would also like to preface my statements by advising the Board that two years ago I purchased 8 acres of land that front on Fourth Range Road in the section that is proposed for reclassification. I stand to make a substantial return on my investment if the road is reclassified as proposed. Yet, I remain opposed to this reclassification for reasons discussed below.

There is no occasion for the layout as prescribed under RSA 231:8.

New Hampshire case law has established that an 'occasion' for laying out a highway requires a public necessity and convenience. Private benefit alone does not justify a layout. A public necessity for reclassifying either of these two roads does not currently exist. On the contrary, reclassification at this time would have significant negative public impacts. It will create a long-term taxpayer commitment to operate and maintain these roads and open a significant land area to new residential development which, in turn, will increase traffic congestion, exacerbate

existing road hazards, and create an additional tax burden on the Town for other road upgrades and public services.

I am aware that there has been discussion in meetings of the Board and the Roads Committee regarding hypothetical benefits of reclassifying Fourth Range Road. Alleged benefits include reduced traffic congestion on US Route 3 and the provision of an alternative 'bypass route' in the event of fire or police emergencies. However, no studies have been conducted to support these assertions. Alternative routes currently exist at North Pembroke Road and at US Route 4. Also, the alternative of widening US 3, and the potential for state and federal funding sources to do so, need to be evaluated. Without a study demonstrating otherwise, the concept of diverting traffic over a Class C residential roadway, as a means of improving traffic flow on the Town's major transportation corridor (US 3), seems ludicrous. The Pembroke Hill community does not want additional high-speed traffic short-cutting over Fourth Range Road in an attempt to avoid slow-downs on US 3.

In its February 11, 2019 comments to the Pembroke Planning Board, the Central New Hampshire Regional Planning Commission (CNHRPC) cautioned about the negative impacts of prematurely opening these roads and recommended further study, stating:

"A traffic study should be prepared which addresses the impact of this development on the US3/Pembroke Hill Road Intersection. ...the potential for secondary development caused by the newly created frontage on public roads adjacent to the project should be included in the evaluation."

The draft transportation chapter of the Town's Master Plan update also recommends further planning efforts before the opening of Fourth Range Road:

"In anticipation of future development, the town should consider a plan for the extension of 4th Range Road and ensure that proper tools are in place for the Planning Board to manage appropriate development. Similarly, the Zoning Ordinance is a planning tool that can help guide future uses on range roads...The plan should describe who would be responsible for constructing the road, how it might occur in phases, and the standards for the new road segments. It would also need to address how rural character could be preserved including the protection and/or relocation of stone walls and the protection or replanting of trees along the roadway. Further considerations would include any other improvements that should be made to existing portions of 4th Range Road, Pembroke Hill Road, Church [Road] or Dudley Hill Road, as well as any traffic calming measures which might be utilized to control speeds and discourage cut-through traffic."

In the absence of such studies and planning, there is no basis to conclude that a public necessity exists for opening the Class VI section of Fourth Range Road that the petitioner has requested. Even if a public benefit can be identified from such a study, it cannot be realized by reclassifying only the 1,780-foot section that the petitioner has proposed, as the Town has no plan in place to improve the remaining 2,100 feet to Church Road. If the Board believes that the capacity of US 3 is inadequate, it should commission a study of alternatives and funding options, and obtain

taxpayer approval of a plan prior to granting the petition. Attempting to achieve a solution to the growing traffic congestion on US 3, by piecing together a Class 3 bypass roadway through a residential area, by means of a lengthy process of ad-hoc subdivision approvals, is not in the public interest.

The reclassification will adversely impact other road uses.

The Town's roadways do not exist only to support automobile traffic and access to land developments. If they did, there would be no need for Class VI roads. Rather, these roadways support a broad array of uses that provide economical, educational and recreational benefits to our citizenry. As the Board is aware, there is a tremendous amount of usage of the Town's Class VI roads for activities such as walking, hiking, cross-country skiing, horseback riding, snowmobiling, all-terrain vehicular traffic, hunting, forestry, agriculture and timber harvesting. Fourth Range and Robinson Roads, in particular, are used quite heavily for these multiple purposes. The Board is also aware of the petitioning by recreational groups, including snowmobilers and ATV users, for permission to utilize and maintain these roads. Reclassification from Class VI to Class V will have adverse impacts on many of these uses, either by outright prohibition, or by making them so difficult or dangerous as to effectively terminate them. Although the loss of public benefit from these uses may be difficult to measure, it is, nevertheless, significant and cannot be dismissed in evaluating the petition.

The majority of Pembroke citizens do not support reclassification of Class VI roadways.

In 2017, a community survey, conducted by CNHRPC for the update of the Pembroke Master Plan, found that a majority of Pembroke residents do not support the Town upgrading Class VI roads to allow buildable lots. Preserving the Town's existing Class VI roadways was also identified as important or somewhat important by 66 percent of residents. Furthermore, with specific regard to Fourth Range Road, less than 36 percent of Pembroke residents were in favor of opening this roadway as a means of alleviating traffic on Pembroke Street (US 3). In contrast, residents continued to rate the small town, rural character of Pembroke as the number one most important attribute of the Town. Some 94 percent of residents indicated that maintaining Pembroke's rural character was an important or somewhat important goal of the master plan. As a further testament to Town sentiment, a recent petition against the opening of this section of Fourth Range Road was signed by many residents and has been (or will be) submitted to the Board prior to the public hearing. The reclassification of Fourth Range and Robinson Roads, for the purpose of permitting a 48-lot subdivision in an area characterized by rural residential, agricultural, equestrian and forestry land uses, would fly in the face of the expressed wishes of the Town's citizenry.

The reclassification will support scattered and premature development.

In its 2004 book, A Hard Road To Travel - New Hampshire Law of Local Highways, Streets and Trails, the NH Local Government Center states that "It is well established under New Hampshire law that a landowner's vested right of access does not include the right to develop land in a way that will overburden the road or unilaterally force the town to spend money to upgrade it". As authorized by RSA 674:36 II(a) Pembroke has adopted Section 205.3(a) of its subdivision

ordinance; the purpose of which is to “Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services”. Under this ordinance, the Town has responsibility for reviewing the adequacy of existing as well as new roads that will serve a subdivision.

The primary access road to the proposed subdivision is Pembroke Hill Road. In its review of the regional impact of the proposed subdivision, the CNHRPC stated, in its February 11, 2019 memo to the Pembroke Planning Board, that:

“With a potential of 470 to 510 AADT [Annual Average Daily Traffic] being generated by this project, the project should result in a noticeable increase in traffic on ... Pembroke Hill Road, 4th Range Road and Borough Road.” “...we expect that a higher percentage of project traffic would utilize the signalized intersection of Pembroke Hill Road at US 3 to access destinations to the north and west, rather [than] using the more indirect route of 4th Range Road, Borough Road, NH 106, and US 3.”

Minimum standards for new Town roadways are prescribed by Section 205-41 of the Pembroke subdivision ordinance. The minimum right-of-way for a Class C road is specified as 50 feet. By comparison, the current right-of-way on Pembroke Hill Road is approximately 30 feet along the Old Town Pound at the approach to the intersection with Fourth Range Road. There are virtually no road shoulders in this area. In fact, most of Pembroke Hill Road, within the 1,500 foot approach to this intersection, does not meet current Town road standards for shoulder width, tangent length between reverse curves, sight distance, or curve radius. This has been evidenced by the history of spin-out accidents in this area, many of which involved personal injury.

The Board must address the fact that the proposed subdivision, and secondary development fostered by opening the Class VI roads, will significantly increase vehicular and pedestrian traffic along this stretch of Pembroke Hill Road. Traffic in this area is already rapidly increasing because it serves as a collector route for travel to and from US 3 from the expanding development in the areas of Cross Country and Borough Roads. The potential for children to walk or bicycle from the proposed subdivision to Pembroke Hill School should also be carefully considered. A serious accident on the sharp curves between the proposed subdivision and the school is only a matter of time because the road simply does not have the width, sight distance, or shoulders for vehicles to safely pass each other and avoid pedestrians. Adding larger commercial vehicles, the setting sun, darkness, adverse road conditions, or speeding to the mix will provide a high likelihood of a fatal accident on these curves.

The lack of adequate transportation, on Pembroke Hill Road alone, makes the proposed 48-lot subdivision clearly fall within the ‘Scattered and Premature Development’ provisions of RSA 674:36 II(a). Thus, the Board’s approval of this reclassification would be in direct conflict with the stated objective of this law and Section 205.3(a) of the Town’s subdivision ordinance. Before reclassifying Fourth Range and Robinson Roads to open this area to further development, an independent traffic and pedestrian impact study should be completed for this area and Pembroke

Hill Road should be brought up to current Town design standards, including curbs and sidewalks.

The petitioner's roadway design and construction plans are incomplete and/or deficient.

Roadway Improvements. Section 205-39 of the Town subdivision ordinance requires that "All developments shall provide for a safe and satisfactory access from a public street." The petitioner is proposing to upgrade Fourth Range and Robinson Roads to Class V status in order to provide such access. Hence, the street design standards specified in Article VI of the ordinance are applicable to the improvement of these roadways. Section 205-39C, in particular, states that "Wherever an existing public street is substandard with regard to the standards established within this Article, said street shall be improved in all respects, including the acquisition of additional right-of-way, so that it will conform to the standards set forth for public streets in this chapter."

Sections 205-41E(19) and (20) require that curbing be provided on roadways, and that sidewalks be provided on one side of roadways, in the R3 zoning district when the roadway is within 1 mile of any school. All of the proposed improvements to Fourth Range Road and part of Robinson Road are within one mile of the Pembroke Hill School. The petitioner's road plans show no proposed sidewalks or curbing along these roads and no proposed increase in road right-of-way to include them. Therefore, the plans are incomplete, non-conforming, and should be rejected along with the petition.

Stormwater Improvements. The petitioner's plans for improving Fourth Range and Robinson Roads require stormwater improvements along these roads, and at their intersection, to comply with Paragraph 205-44 of the Town's subdivision ordinance. Paragraph 205-44C requires that culverts be large enough to accommodate runoff from the entire upstream drainage area, assuming maximum potential upstream watershed development. A minimum standard of 10-year rainfall is required for design. Paragraph 205-44C(4) also requires that "When a proposed drainage system will carry water across land outside the development, appropriate drainage rights must be secured and indicated on the site plan."

I call the Board's attention to an existing culvert at the intersection of Pembroke Hill, Fourth Range, and Robinson Roads. This culvert carries stormwater from the northwest section of the proposed subdivision, under Robinson Road, then under Fourth Range Road, and then under my property to enter into an intermittent tributary to Hartford Brook. I am unaware of the exact routing of this culvert, which was installed prior to my ownership of the property. The culvert is 8 inches in diameter and over 400 feet in length, based on the locations of the inlet and outlet. The culvert runs full every spring and at other times during heavy rains. The culvert has failed at least once since I have lived here; severely eroding Fourth Range Road and requiring the Town to excavate and repair it. The culvert is undersized now, and any development in the upstream watershed will only increase the frequency of its failure and overtopping of the roadways at the intersection.

The petitioner's plans show that this culvert will be replaced by a 15-inch culvert, but for only 110 feet of its initial length. The implication is that the replacement section would be reconnected to the remaining 8-inch section for the remainder of its length. This would not only

be non-compliant with Paragraph 205-44C(4) of the Town's subdivision ordinance, but would constitute unacceptable engineering practice. Furthermore, the petitioner's own stormwater-runoff analysis for this watercourse (Subcatchment 1S), indicates that the (10-year) design discharge for this location is 28.7 cubic feet per second. The proposed 15-inch diameter culvert would be far too small to carry this discharge at the petitioner's proposed slope of 1 percent. Also, the petitioner has not consulted with me, as the downstream property owner, regarding the drainage right-of-way or the alteration of the culvert size or location. Therefore, the plans are technically deficient, incomplete, non-conforming with the Town building ordinance, and should be rejected along with the petition.

Compensation to adjacent property owners for tree removal. The petitioner's design and construction plans for Fourth Range Road indicate that nearly the entire 50-foot right-of-way will be consumed by the roadway surface (20 feet), shoulders (8 feet), and drainage ditches (12-14 feet, typical). This will require removal of virtually all trees and other vegetation from the right-of-way. Since Fourth Range Road is not held in title by the Town, under New Hampshire case law, the abutters own title to the land on which the road sits for all uses that do not interfere with the Town's viatic use. The standing timber on each side of the existing roadway, therefore, belongs to the abutters on that side of the road. On the southwest side of Fourth Range Road, at least 3 abutters own property in the area of impact and are entitled to reimbursement for the value of any timber removed during the course of road construction. Neither the petitioner nor the Town has made any indication of its intentions with regard such reimbursement. This should be addressed before action is taken on the reclassification petition.

The petitioner has options not requiring layout and reclassification of town roads.

Alternatives exist that would provide for reasonable development of the petitioner's property while maintaining the rural character of the neighborhood and mitigating the impact of increased traffic on substandard collector roads such as Pembroke Hill Road. These alternatives can also be implemented without increasing the taxpayer burden for the liability and maintenance of new town roads. As an example, the petitioner's land holdings (172+/- acres) include frontage on Fourth Range Road approximately 1000 feet to the northwest of the intersection with Pembroke Hill Road. This frontage is 80 feet in width, which is sufficient right-of-way for a Class A, B or C roadway. Such a roadway could serve as entrance and exit to the subdivision, eliminating the need to reclassify Robinson Road or other sections of Fourth Range Road. The proposed subdivision's internal loop road (Masons Way) could be extended across Robinson road on both ends to connect with the entrance previously described. Roads internal to the subdivision could be retained as private, with maintenance, plowing, and liability costs being the responsibility of a homeowner's association. Such arrangements are already in place in other subdivisions within the Town. If concerns remain for alternative emergency ingress and egress, Robinson Road could be declared by the Board as an "emergency lane", under the provisions of RSA 231:59-a. As an emergency lane, a minimum expenditure of funds by the Town (or preferably by the homeowner's association) could be used to keep it passable by emergency vehicles without creating all the maintenance and liability responsibilities of a Class V road. This (or other) roadway plan, in combination with an increased minimum lot size (e.g. 5 acres), would go a long way toward mitigating the adverse impacts of the proposed development on the rural character of

the Pembroke Hill neighborhood and the substandard transportation resources currently available to support it.

Summary

The petition to reclassify Robinson Road, and a 1,780-foot section of Fourth Range Road, from Class VI to Class V should be rejected on the basis that there is no occasion for the layout as prescribed under RSA 231:8. The reclassification would be for the private benefit of a single landowner and would have negative impacts on the Pembroke Hill community, other users of these roads, and town taxpayers. Opening of these roadways, without sufficient study, planning and funding, and in defiance of the expressed wishes of the majority of the Town's citizenry, would support a premature development with adverse impacts on the existing transportation infrastructure and the rural/agricultural character of the neighborhood. Approval of the petition would also be inconsistent with the Town's own subdivision ordinances and increase traffic hazards. The proposed plan contains technical deficiencies and omissions which must be addressed before further action is taken. Finally, the petitioner and the Town have options for the reasonable development of the property which would mitigate many of the adverse impacts without requiring layout and reclassification of Town roads.

Thank you for your consideration of my testimony.

Sincerely,

Brian R. Mrazik

Cc: Pembroke Planning Board

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 41

CHOICE AND DUTIES OF TOWN OFFICERS

Selectmen

Section 41:14-a

41:14-a Acquisition or Sale of Land, Buildings, or Both. –

I. If adopted in accordance with RSA 41:14-c, the selectmen shall have the authority to acquire or sell land, buildings, or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to the sale of and the selectmen shall have no authority to sell:

(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 547:3-d.

Source. 1994, 197:3. 1997, 38:1. 2001, 187:2. 2005, 80:1. 2007, 221:2. 2008, 109:1, eff. July 27, 2008.

Motion to notify the Board of Selectmen in accordance with RSA 41:14-a that the Conservation Commission is not interested in 4 and 6 Union Street.

David Jodoin

From: Stetson Heiser <harunga1@msn.com>
Sent: Tuesday, June 11, 2019 12:07 PM
To: David Jodoin
Subject: Re: meeting

The Old Homes Day was on first floor. We met upstairs. We did make the motion as written and all 4 of us voted in favor.

Ammy

Sent from my iPhone

On Jun 11, 2019, at 9:41 AM, David Jodoin <djodoin@pembroke-nh.com> wrote:

Did you meet last night if so where. I had the camera set to record on the first floor.

Did the Board vote to deny any interest in 4 and 6 Union Street?

Thanks

David

Motion to notify the Board of Selectmen in accordance with RSA 41:14-a that the Pembroke Planning Board is not interested in 4 and 6 Union Street.

David Jodoin

From: Carolyn Cronin <ccronin@pembroke-nh.com>
Sent: Thursday, June 13, 2019 11:35 AM
To: David Jodoin
Subject: 4 & 6 Union Street

Hi David

For your records, the Planning Board met on Tuesday, June 11th and discussed the sale of 4 & 6 Union Street. It was unanimously voted that the Planning Board has no interest in the purchase of 4 & 6 Union Street. They are comfortable with the Selectmen moving forward with selling the properties.

Thanks

Carolyn

Carolyn Cronin
Town Planner
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275
(603) 485-4747 x210

<u>NAME</u>	<u>PROPERTY ADDRESS</u>	<u>MAILING ADDRESS</u>	<u>AMOUNT DUE THROUGH 6/15/2019</u>	<u>MAP/LOT</u>
<u>Tax Deed date is May 9, 2019</u>				
Todd Heger	2-4 Prospect Street Pembroke, NH 03275	225A Belknap Drive Pembroke, NH 03275	10058.88	VW-97
Louis Marcoux	6 Howard Street Pembroke, NH 03275	17 Oaks Drive Bedford, NH 03110-6031	2,469.68	VE-34
Owners Unknown *	Pembroke Street	311 Pembroke Street Pembroke, NH 03275	274.33	266-27-2
Owners Unknown *	Main Street Pembroke, NH 03275	311 Pembroke Street Pembroke, NH 03275	136.44	VW-114-1
Owners Unknown *	Broadway Pembroke, NH 03275	311 Pembroke Street Pembroke, NH 03275	209.91	VE-15-1
Kemberley Pelkey (2)	212 Buck Street Pembroke, NH 03275	203 Loudon Road #823 Concord, NH 03301	497.87	266-129
THC Realty Trust * Elliot Konner Trustee	Main Street Pembroke, NH 03275	PO Box 10545 Bedford, NH 03110-0545	2,023.26	VE-179-2
Webster Falls Inc *	Mills Fall Off Pembroke, NH 03275	116 So River Road Bldg A Bedford, NH 03110	225.90	VE-179-1

* Deed issues or contaminated land

(1) Land

6/13/2019

PEMBROKE POLICE DEPARTMENT ATTEMPT SERVICE LOG

Serve To:

Todd Heger
2-4 Prospect St
Pembroke

Tele: _____

Arrest Warrant

☐

Bench Warrant

☐

Summons In Lieu Of Arrest

☐

MV Summons

☐

Summons

☐

Domestic Violence Petition

☐

Stalking Petition

☐

Juvenile Petition

☐

Subpoena

☐

Other Town Letter

☒

to Property owner

Service For: (Agency\Court) _____

Case Reference _____

DATE	TIME	OFFICER / Badge #	DISPOSITION
04-16-19	1530	950B Alley	out for service
4/16/19	2005	Curtis 23	will be here 4/17/19
4/16/19	1433	P. S. 10	Not at home
4/16/19	1117	Vince 951	Neg Cont
4/18/19	1624	Boris VCA	Search

PEMBROKE POLICE DEPARTMENT

Date: _____ FAX # _____

TO: _____

ATTN: _____

PEMBROKE POLICE DEPARTMENT

ATTEMPT SERVICE LOG

Serve To: MR TODD HEGER
2-4 PROSPECT ST.

Tele: _____

Arrest Warrant	<input type="checkbox"/>
Bench Warrant	<input type="checkbox"/>
Summons In Lieu Of Arrest	<input type="checkbox"/>
MV Summons	<input type="checkbox"/>
Summons	<input type="checkbox"/>

Domestic Violence Petition ☐
Stalking Petition ☐
Juvenile Petition ☐
Subpoena ☐
Other TAX DEED LETTER ☒

Service For: (Agency/Court) Town of Pembroke-Board of Selectman

Case Reference Town of Pembroke V.

[illegible]

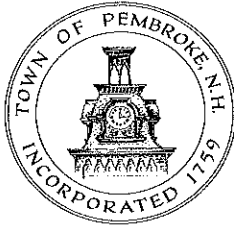
PEMBROKE POLICE DEPARTMENT

Date: _____ FAX # _____

TO: _____

ATTN: N/A _____

FAKED
Scanned
to David J. Davis by
Lt Gaskill - 6/6/19



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map VE-15-1 (Broadway/Unknown) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2016 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

Board of Selectmen

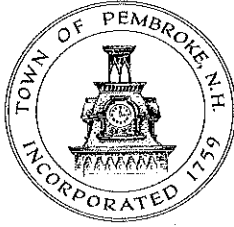
Justine M. Courtemanche, Chairman

Ann Bond, Vice Chairman

Michael Crockwell

Sandy Goulet

Richard Bean



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map 266-27-2 (Off Pembroke Street) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2016 taxes. The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

Board of Selectmen

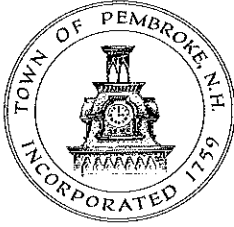
Justine M. Courtemanche, Chairman

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**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map VW-114-1 (Main Street/Unknown) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2016 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

Board of Selectmen

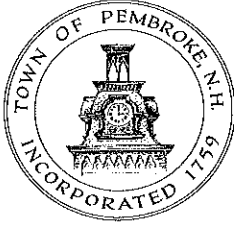
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**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map VE-179-1 (Webster Falls Inc) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2016 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

Board of Selectmen

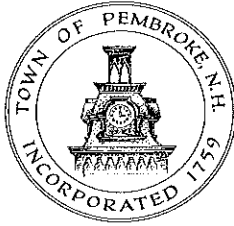
Justine M. Courtemanche, Chairman

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Sandy Goulet

Richard Bean



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map VE-179-2 (THC Realty Trust) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2016 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

Board of Selectmen

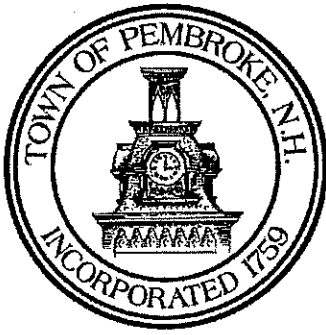
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Town of Pembroke

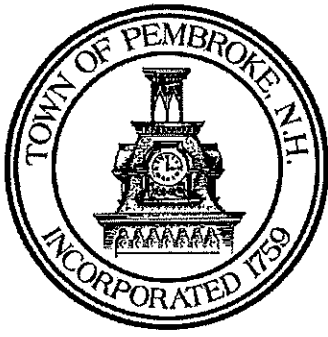
Department of Public Works

8 Exchange Street, Pembroke, NH 03275
Phone: (603) 485-4422 Fax: (603) 485-2613

To: Carolyn Cronin, Planning Board
From: James Boisvert, Public Works Director
CC: David Jodoin
Date: June 6, 2019
Re: Drainage System Maintenance

The Public Works Department recommends that this department maintain the swales and detention ponds so that proper maintenance can be done and recorded for the MS4.

Also, if swales are filled by residents, who will do the enforcement? Will it be Public Works or another Town entity?

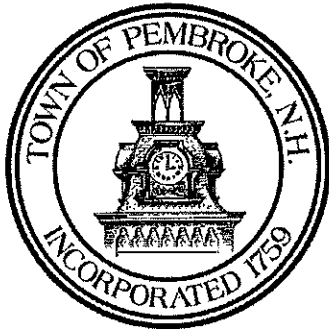


Town of Pembroke
Department of Public Works

8 Exchange Street, Pembroke, NH 03275
Phone: (603) 485-4422 Fax: (603) 485-2613

To: Carolyn Cronin, Planning Board
From: Roads Committee
CC: David Jodoin
Date: June 6, 2019
Re: Drainage System Easements/ownership

The Roads Committee recommends that the easements for the drainage be Town owned so that proper maintenance can be done and recorded for the MS4. It was discussed that any Homeowners Association can be dismantled preventing the Town from enforcing any of the maintenance rules and regulations.



Town of Pembroke

Department of Public Works

8 Exchange Street, Pembroke, NH 03275
Phone: (603) 485-4422 Fax: (603) 485-2613

To: Board of Selectmen
From: Roads Committee
CC: David Jodoin
Date: June 6, 2019
Re: Nixon Road

At the April 2019 meeting, Paulette mentioned that she had recently talked to a resident of Nixon Road who was not happy with the way the town maintains it during the winter. Because it is a dirt road, it is treated differently. It was suggested that the Board of Selectmen write to the residents of Nixon Road for comments and suggestions on the road including future paving.

The Roads Committee recommends paving Nixon Road.

David Jodoin

From: Christiansen, Bryan <Bryan_Christiansen@comcast.com>
Sent: Friday, June 07, 2019 8:08 AM
To: Gerard Fleury; djodoin@pembroke-nh.com
Subject: My Position on CIP

Gerry and David –

I regret to inform you that I need to resign my position on CIP. I have my house on the market and have a projected closing date of mid-July, I will be moving out of Town at that point. I have held off on letting the Town know as I wasn't sure if things would progress timing wise which would allow me to serve this year on CIP.

I have enjoyed my time on CIP and getting to know all of you and the business of the Towns capital improvement projects.

Please let me know if you want a more formal resignation sent to the BOS and the Town Clerk.

-Bryan

From: Gerard Fleury <muddjelly@aol.com>
Sent: Tuesday, May 28, 2019 5:06 PM
To: djodoin@pembroke-nh.com; rebets@comcast.net; Christiansen, Bryan <Bryan_Christiansen@cable.comcast.com>; ggauss@sau53.org; Gfleury9876@gmail.com; jmcneil@nhmbb.com; kevin.foss@comcast.net; Rosemariem3@gmail.com; sandychogan@gmail.com; JMCourtemanche2@gmail.com
Subject: [EXTERNAL] Re: CIP Process

Yes! Lets at least start that way. It worked before so why change it.

Gerry

-----Original Message-----

From: David Jodoin <djodoin@pembroke-nh.com>
To: 'Gerard Fleury' <muddjelly@aol.com>; rebets <rebets@comcast.net>; Bryan_Christiansen <Bryan_Christiansen@cable.comcast.com>; ggauss <ggauss@sau53.org>; Gfleury9876 <Gfleury9876@gmail.com>; jmcneil <jmcneil@nhmbb.com>; kevin.foss <kevin.foss@comcast.net>; Rosemariem3 <Rosemariem3@gmail.com>; sandychogan <sandychogan@gmail.com>; JMCourtemanche2 <JMCourtemanche2@gmail.com>
Sent: Tue, May 28, 2019 5:04 pm
Subject: RE: CIP Process

Yes is 6PM still good for everyone

From: Gerard Fleury [<mailto:muddjelly@aol.com>]
Sent: Tuesday, May 28, 2019 5:01 PM
To: djodoin@pembroke-nh.com; rebets@comcast.net; Bryan_Christiansen@cable.comcast.com; ggauss@sau53.org; Gfleury9876@gmail.com; jmcneil@nhmbb.com; kevin.foss@comcast.net; Rosemariem3@gmail.com; sandychogan@gmail.com; JMCourtemanche2@gmail.com
Subject: Re: CIP Process

Sounds good. I assume that you will send us an agenda in mid July?

Gerry

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
June 3, 2019 at 6:30 PM**

DRAFT

Present: Chairman Tine Courtemanche Selectman Ann Bond, Selectmen Richard Bean, and Selectmen Michael Crockwell, Selectman Sandy Goulet

Staff: Town Administrator David Jodoin, Recording Secretary Jillian McNeil

I. Call to Order:

Selectman Ann Bond called the meeting to order at 6:30pm.

II. Citizen Comment:

None

III. Scheduled Meetings:

New Hampshire Trail Dawgs Snowmobile Club

Kevin Gagne, Trail Administrator, came to the Board to discuss a resolution for the damage caused to Thompson Ave. The club was given a deadline of July 4th to fix the issue. The club has two roadway crossings granted to them on Route 28. A stipulation in the permit with the State of New Hampshire states that there is not to be any OHRV parking. They discussed the issue with the Bureau of Trails and NHDOT. NHDOT signed the parking areas no OHRV parking. The trail between Route 28 and Thompson Road is private property that has recently changed ownership. The current owners are open to improving and changing the angle of the trail to minimize future damage to Thompson Road. The heavy ATV and OHRV traffic will be alleviated by the lack of parking spaces available. Kevin stated that moving forward with the Range Roads, a questionnaire was sent out to residents to see what they would like to see for the future of the Range Roads. The majority of respondents indicated that they would like the Range Roads to remain open for recreational use as they are now. Kevin stated that he would like to make it clear that the Trail Dawgs are a snowmobile only club and are not affiliated with any ATV or UTV club. Selectman Crockwell asked if they had considered building out the hill and changing the slope rather than cutting down trees to change the angle. Kevin stated that right now they have to discuss solutions with the new owners of the piece of property. Kevin stated that they filled in some erosion of the road with stone and pavement. David suggested the possibility of water bars and riprap. Kevin stated that a lot of issues that are happening are due to wheeled vehicles and they have curbed that issue with the no parking signage. Selectman Bond suggested adding a bar to the beginning of the trail for the summer months to keep the ATV's and OHRV's off the

property. Kevin stated that the previous owners of the property owned the campground across the street and they wanted their residents and visitors to be able to access the Range Roads. The Trail Dawgs do not have authority to put up a bar but they will discuss it with the new owners. Selectman Crockwell asked if the campground was also sold. Kevin stated that it was not. Kevin asked if the deadline could be extended until they have a chance to work with the new property owners on a solution and create a proposal. Selectman Courtemanche asked how long of an extension are they requesting. Kevin stated that they get money from a grant-in-aid program once a year. It was already awarded for planned summer projects and he is unsure if he able to divert any funds for this purpose. For that reason, they are asking for an extension to next summer. Kevin restated that the majority of the issue on the hill is caused by ATV and UTV use and not snowmobiles. Selectman Crockwell agreed but the pavement damage is done by snowmobiles reaching the top of the hill and spinning to get going on the road and causing damage. The Board agreed to an extension until the August Selectman meeting on August 19th.

IV. Old Business:

David presented the list of 2016 Tax Deeds. On June 17th, the Board will have to make decisions and move forward on which properties to deed. One of the properties is still being discussed with the estate and that leaves two properties that would be deeded. David will have letters hand delivered to the homes by the Police Department which will state that there have been numerous times contact has been attempted with no response and the process will move forward on the 17th.

Ron, LighTec, Inc., sent an email to David stating that they have scheduled an installation date of the middle to the end of the week on July 1st. George, Eversource, also sent an email stating that their portion of the work will be completed the week of June 17th.

Street light pole regulation updates were tabled until the next meeting.

The sub-committee for the solid waste agreement will be meeting on Tuesday, June 11th. The committee will likely only hold a few meetings.

David presented the Board with the Sewer Commission meeting minutes. Their lawyer requested a copy of the warrant article and whether or not the Town had authority to buy and sell property under RSA 41:14-a. The residents granted that authority in 2006. However, at town meeting, the residents made it clear that they do not want the Town to be landlords and in the commercial real estate business. Selectman Bond asked about the status of the sale. David stated that there were two offers and the Board decided to sign a purchase and sales agreement with Gerald McCarthy. His purchase and sale agreement had a 14-day contingency so he worked with his realtor and put a 30-day extension on it pending the outcome of the discussions with the Sewer Commission. The individual with the other offer (Bussiere) stated that they would still be interested if the deal falls through.

Selectman Goulet clarified that the Town did officially offer the property to Mr. McCarthy. David stated that the Town did and he does have a purchase and sales agreement but the Sewer Commission has first rights to the property in their lease with the Town. That is what they are contesting. Selectman Goulet clarified that Sewer Commission made an offer of \$1.00 and the Selectman made the decision to reject that offer and put it on the market. Selectman Goulet questioned why is the Town now negotiating with the Commission. David stated that based on their lease agreement they feel they have the right to counter offer. The Commission is contesting that the Selectmen violated the terms of the lease agreement by not waiting until they had made a decision on purchasing the building at full value. Selectman Bond asked if the Sewer Commission has the ability to purchase the building. David stated that the residents granted the Selectmen the ability in 2006 and did not specifically mention the Sewer Commission. Selectman Crockwell asked if they use the Town's Tax Identification Number. David stated that they do but they are structured under a different RSA that gives the commission the ability to operate as they see fit. The Commission is discussing it with their lawyer and the Town has submitted the questions to their lawyer. Selectman Courtemanche asked if the Commission needs permission from the rate payers to purchase the building. David stated that the funds to pay for the building would come from the rate payers. Selectman Bean asked if the Commission would be willing to come talk with the Board. David stated that they would like to wait until after some of the litigation issues with Allenstown are settled. Selectman Bean asked if Mr. McCarthy would allow the current lease payers to stay there. David said that he sent an email through his realtor stating that any leasers can stay there as long as they want. That message was conveyed to Sewer. Selectman Bean asked what the Commission currently pays in monthly rent. David stated that it is paid in a lump sum annually and is a little over \$8,000/year. Selectman Courtemanche asked if the process for purchasing the building would be the same as the Town for when they have to do a bond. David stated that with the current statute, the Sewer Commission can over spend their bottom line because it can be raised back up through user fees. The Town does not have that latitude. David stated that the Town's lawyer does not feel they have the legal right or authorization to purchase the building based on the article that was approved at Town Meeting in 2006. Selectman Bond asked how long the process would be for the Commission to get their own Tax Identification Number. David said it is at least a 6-month process but that would also mean they would do their own payroll and taxes and financially it would not make sense.

V. New Business:

A resident requested that a code be adopted by the town to enforce the one-way travel sign in the cul-de-sac he lives in. David asked the Chief of Police if there was signage on any other cul-de-sacs in town or if they were in the town code. Chief Dwayne Gilman did some research into which cul-de-sacs have signs and/or lights. He stated that enforcement would not be a priority for the Department. Selectman Goulet suggested leaving the sign but not creating an ordinance. Selectman Bond

stated that the Planning Board is discussing not allowing any more cul-de-sacs in Town so the ordinance may not have a future use. Chief Gilman stated that if the Town is not going to adopt an ordinance and enforce the issue then the sign needs to be taken down as well as any other signs in other cul-de-sacs around town. Selectman Goulet made a motion to remove signs from Brittany Circle, Mason Ave, and Riverview Way. Selectman Bond seconded the motion. Motion passed 5-0

The Board reviewed correspondence from the Allentown Sewer Department. Selectman Bond clarified that the country club development was not granted sewer capacity. The Board agreed that is how it reads in the provided materials. Selectman Goulet clarified that the Sewer Commission had asked the Allentown Sewer Department that if the development was allowed in, that they would have sewer and they agreed. David and Selectman Courtemanche stated that they are saying there is capacity but it is not for Pembroke properties. Selectman Bean asked if the Selectman have ever met with the Allentown Sewer Department. Selectman Courtemanche stated that that is not in the purview of the Selectmen and that is for the Sewer Commission to do. David stated that the Commission does meet with Allentown regularly and they have been trading law suits for years. David clarified that his understanding is that the development has state septic approval for the houses and they were told they have capacity for the first phase of the condos and would wait for extra capacity to phase in the next stage.

David shared the Fire Department letter for land needs in the future after the discussion during the last meeting regarding the property on Borough Road. Selectman Bond asked about the possibility of a recreational field going on that property. David stated that it is a commercial property and may not be worth giving up the property for fields. There is always an option to subdivide the property.

Selectman Bond made a motion to approve the Manifest and Abatements as presented. Motion was seconded by Selectman Goulet. Motion passed 5-0

Selectman Goulet made a motion to approve the minutes of May 6, 2019 as presented. Selectman Bond seconded the motion. Motion passed 4-0. Selectman Courtemanche abstained.

Selectman Goulet made a motion to approve the minutes of May 20, 2019 as presented. Selectman Bean seconded the motion. Motion passed 4-0. Selectman Courtemanche abstained.

Selectman Bond made a motion to approve the non-public minutes of April 15, 2019 with the addition of Sandy Goulet as present at the meeting. Selectman Crockwell seconded the motion. Motion passed 5-0.

Selectman Bond made a motion to add Clint Hanson Jr. as a full-time member to the Planning Board. Selectman Goulet seconded the motion. Motion passed 5-0.

VI. Town Administrator Report:

David present the Board a certificate of authorization to accept used oil collection assistance grant funds and to enter into a grant contract with the New Hampshire Department of Environmental Services. Selectman Crockwell made a motion to authorize James Boisvert, Public Works Director, to execute any documents which may be necessary for this grant. Selectman Bond seconded the motion. Motion passed 5-0.

VII. Committee Reports:

Selectman Goulet –None

Selectman Bean – None

Selectman Bond – Planning Board would like to make the Selectmen aware of their issues with the number of shared driveways and the concerns that the configuration of driveways that takes property away from owners whose lots they cross in the 4th Range Road development. Selectman Courtemanche asked if that was something the Selectmen could weigh in on. David stated that they cannot, that's a Planning Board issue and the driveways will be large enough for emergency vehicles to get down. Selectman Bean asked if these kinds of private roads/shared driveways are allowed in town. David stated that there are some shared driveways and private roads in town.

Selectman Courtemanche - None

Selectman Crockwell – None

VIII. Other/Citizen Comment:

None

IX. Non-Public Session:

Motion by Selectman Bond to enter non-public session in accordance with RSA 91-A:3II (B). The hiring of any person as a public employee. Seconded by Selectman Crockwell. 7:27pm

Roll Call Vote:

Selectman Bean	YES
Selectman Goulet	YES
Selectman Bond	YES
Selectman Courtemanche	YES
Selectman Crockwell	YES

The Board came out of non-public session at 8:02 PM

Motion by Selectmen Goulet, seconded by Selectmen Bean to hire Michael St. Jacques as a non certified Police Officer at the first step of the pay scale (\$18.13) and to hire Anthony Barrow as a certified Police Officer at the rate of (\$27) per hour
Vote Unanimous.

Motion by Selectmen Goulet, seconded by Selectmen Bond to hire Kevin Jennings as the part time landfill attendant at \$13 an hour contingent upon him passing all the necessary testing. Vote Unanimous

X. Adjourn:

Motion by Selectmen Goulet, seconded by Selectmen Crockwell to adjourn at 8:22 PM. Vote unanimous

Justine M. Courtemanche, 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.