

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
January 4, 2021 at 6:30 PM**

Present: Chairperson Ann Bond (On Virtually), Selectmen Sandy Goulet, Selectman Richard Bean, Selectman Michael Crockwell, Selectman Karen Yeaton

Staff: Town Administrator David Jodoin

I. Call to Order:

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

II. Citizens Comment:

None

III. Scheduled Meetings

Continued Public Hearing – Request to open a portion of Upper Beacon

Selectman Goulet read a statement that this meeting is for new testimony only.

Selectman Goulet opened the public hearing at 6:32pm

Bob Best, Attorney at Sulloway & Hollis PLLC, representing Bill Evans stated the Selectman need to grant access to road. Bill Evans bought his property when the road was class 5. When the road was changed to a class 6, his access to the parcel was cut off. Changing the road back to a class 5 allows him to access his property. Whether he wanted to build a single-family home or he wanted to build the proposed development, any use of the property would force him to come to the Selectmen.

Cindy Simek, 643 4th Range Road, shared that this is the first time she is seeing anything about this development. Cindy is concerned with access to the development coming off of 4th Range Road. With the recent development being approved on the other end, she is concerned with the impact to the road from construction vehicles and traffic.

Vincent Greco, 211 Beacon Road, shared concerns for changing the road to accommodate a commercial entity. The road is not built to accommodate the traffic that will flow through. He is concerned for the inability to safely turn onto route 3 as it is.

Mark Dumas, 318 Beacon Hill Road, shared that it cost the Town \$1.3M to rebuild Beacon Hill Road and the construction vehicles will ruin it. There were flaws in the

design for water flow and they have already needed to rebuild. Mark stated this is the wrong location for this kind of project.

Stacey Kallelis, 254 Beacon Hill Road, stated the proposed project is not a feasible reason to open the road. Stacey expressed concerns for safety of drivers, motor vehicle accidents, large amount of EMS calls, renters do not pay taxes, and Tri-Town Ambulance Service being inundated with two large senior housing developments in the area.

Dick Nolan 826 Plausawa Hill Road, does not believe the road has ever been open. The residents have said the Town does not want range roads open in the Town Master Plan.

Robert Bowden, 214 Beacon Hill Road, shared he bought his home because they can live on a dead-end road.

Stephen Smith, 561 Pembroke Street, shared concerns for traffic problems and stated that in the March 1990 Town Meeting everything was done properly to change the road to class 6. It was being used as a shortcut to Pembroke Street which is why they wanted it changed. Those problems will still exist today.

Mark Dumas, 318 Beacon Hill Road, stated that it is his understanding that there is a 30-year requirement that the complex be maintained as senior subsidized housing after that it can change hands and become anything it wants.

Bob Best, Attorney for Bill Evans, explained the property will always be senior housing. NHFHA requires it be committed for 99 years but will be essentially forever. Bob clarified that they are not opening a Range Road. Beacon Hill Road is not a Range Road so the master plan concerns do not apply. This plan is similar to one 20 years ago, however, Mr. Evans did not own the property when that proposal came forward. This project is a feasible reason to open the property. The experts for each town board will take a look at the plans and will fix issues during those processes. This is why the sole issue for tonight is access to the property. The Planning Board will look at fiscal studies and traffic review studies. Right now, there is only a conceptual idea for what the property will be used for. The Planning and Zoning Boards have the responsibility to approve the project as a whole.

Stacey Kallelis, 254 Beacon Hill Road, asked if someone can request to open a road to access their property without a reason to accompany it. David Jodoin explained that they submitted a layout petition asking for a few hundred feet be opened with a purpose being general. Selectman only have the responsibility of the road way. The other issues are for the Planning and Zoning Board.

Mark Dumas, 318 Beacon Hill Road, clarified that the neighboring property was actually the one who proposed a development 20 years ago. Regardless of which property owner requested it, the traffic study showed the road is not stable enough for this kind of development.

Vincent Greco, 211 Beacon Hill Road, reiterated concerns for traffic at the intersection of Route 3 and Route 106 specifically during morning rush hour traffic.

Kerstin Dumas, 318 Beacon Hill Road, shared the traffic study completed 20 years ago for the development with the Board. The road conditions from 1990 remain today and are worse. Kerstin as shared concerns for the lack of public transportation, conditions of 4th Range Road, Borough Road turning into one lane during the winter months, fall out for ponds behind complex, and the project not being sensible for the Town.

Angela Touchette, 332 Beacon Hill Road, asked why the Town needs more elderly housing when there is already a complex at the bottom of Pembroke Hill. The recent roadwork on Beacon Hill has led to flooded basements and flooded driveways. Angela also shared concerned for elderly people driving on 4th Range or Beacon Hill Road as they can be dangerous and difficult hills to get up.

Peter Corey, 562 Third Range Road, asked the Board to consider a publication from NHMA titled The Road Less Traveled which discusses policies and procedure to lay out a road. It clearly states that the road has to be done for a public interest and not a private interest. This layout petition appears to be for private interest and not the public and therefore is not appropriate for this purpose.

Kelly O'Brien, 245B Beacon Hill Road, concerns for volume of traffic and the toll it would take on the road.

Selectman Goulet read a letter from Tina Parris, 333 Beacon Hill Road, to the hearing. Tina understands the need to reclassify the road so Mr. Evans can access his property. However, she is opposed to only opening the upper portion of the road. If this development is to proceed, they should open the road in its entirety. This does not mean she supports or opposes the development, just the road only being partially opened.

Wendy Weisiger, 334 Academy Road, asked if there will be a traffic study considering the Flagg/Robinson development. Selectman Goulet explained that the traffic study will be done at the Planning and Zoning Boards and will not be requested at this time. David Jodoin explained that the State of NH will likely want to be involved and require a traffic study.

Nathan Winslow, 352A Beacon Hill Road, concerns for the welfare and wellbeing of the community in the area and the state of the roads.

Holly Blow, 315 Beacon Hill Road, supports her neighbors and their concerns.

Rosemarie Michaud, 340 Beacon Hill Road, asked if the studies would be done before the Selectmen vote to open road. David Jodoin explained the studies will be handled through the Planning and Zoning Board process. Selectman can vote to open the road contingent upon approval from the Planning and Zoning Boards. If they did

not get approval, it would void the vote of the Selectman. Rosemarie is opposed to opening the road.

Stacey Kallelis, 254 Beacon Hill Road, read the ruling from the NH Supreme Court case regarding Wolfeboro which describes what is allowed and should be considered by the Selectmen. Stacey presented the Selectman a traffic study from 2016.

Alison Lemont, lot 5 Beacon Hill Road, purchased lot due to the surrounding nature and land. The community is committed to maintaining that.

Bob Best responded to some of the concerns and explained it is not a possible to build this project if it does not make it through Planning and Zoning. The traffic study done in 2016 was done when the State rebuilt the intersection. All of the residents' concerns will be taken into consideration when they do another traffic study for this project. He stated the number of additional drivers would not warrant a traffic light. The Supreme Court ruling that was read was for a different RSA than the one they are requesting a layout petition under. The estimated value would be more than 10 million dollars which would have a larger tax rate impact than a single-family home. For the question of public benefit, 101 seniors would have an affordable place to live. This project has a public benefit built in. There is an overwhelming need for this kind of development.

Mark Dumas, 318 Beacon Hill Road, stated he is not arguing public benefit however there is no local benefit to opening the road and this housing.

Kerstin Dumas, Beacon Hill Road, stated there is a large tax benefit for investors with this project.

Robert Bowden, 214 Beacon Hill Road, shared concerns for widening of the road and the need to take people's property in order to do that.

Hannah Winslow, 352A Beacon Hill Road, works with this demographic and concerned that the location of the development would be putting them at risk. Patients are calling Ubers rather than ambulances because they cannot afford the high cost of the ambulances. People will be visiting them adding to traffic.

Jacqueline Zeaman 406 4th Range Road, lives across from the Flagg/ Robinson Road development and they studied the impact of traffic down Pembroke Hill and the impact from 4th range to Borough Road but she has not heard of a traffic study down Brickett Hill. If they do a traffic study, they need to include Brickett Hill to Route 3.

Angela Touchette, 332 Beacon Hill Road, understands the need for elderly housing but this is not the location. The roads in the area are dangerous during the winter months.

Sandro Dakalovic, 208 Beacon Hill Road, stated there will be too much congestion and ultimately will be more trouble than it is worth with people speeding and such.

Vincent Greco, 211 Beacon Hill Road, implored the Board to put themselves in the position the residents of Beacon Hill find themselves in.

Paul Simek, 643 4th Range Road, San-Ken threatened with suing and is hoping this case does not end that way.

Selectman Goulet closed public hearing at 7:46pm.

Selectman Goulet does not feel she can make a decision tonight. She would like to take some time and think about all the comments they heard tonight. Selectman Yeaton would like a full board to make the decision and take time to contemplate the comments. Selectman Bean would also like a full board to make the decision. Selectman Crockwell agrees with the other Selectmen. The Board will make a decision on January 19, 2021 regardless if there is a full board. The meeting will likely once again be at the Pembroke Academy Auditorium and also be in person and virtual.

IV. Old Business:

Town Clock

Jim Garvin and Jocelyn Carlucci, Secretary and Vice Chair of Meet Me in Suncook are asking the Board of Selectmen to ask the Budget Committee to create a capital reserve with an annual appropriation of \$5,000. In 1980, American Photographer Magazine wrote an article on Main Street USA and discussed the importance of Main Street and landmarks that bring on that community feeling. The centerfold for the article was the Town Clock. When the Town approved the revitalization of the town clock in the 90's, Meet Me in Suncook received an award for the clock. In 2019, Country Living Magazine and the National Trust for Historic Preservation ran a photo contest called This Place Matters and the number 1 selected entry was our town clock. The Town does not keep up with maintenance and the \$5,000/year appropriation would help with that. David explained that there is \$1,000 in the budget for maintenance and a capital reserve that was set up for when they were selling the minutes for a fundraiser. Money in that fund might be able to be used for the current needed repairs. Gerry Fleury, Trustees of Trust Funds, suggested taking money from that capital reserve fund for the maintenance that needs to be done this year. David Jodoin asked if the building was every boarded up. Jim stated that it was never boarded up but the tower was abandoned. Jim gave a history of how the Meet Me in Suncook group came to exist and projects that they have taken on. Jim explained that any structure built in the 1870's and exposed to the elements will deteriorate and need periodic maintenance. This is why opening a capital reserve and funding it would make sense.

David Jodoin stated there is currently a list of improvements that need to be made totaling around \$6,700. Jocelyn asked when the last renovation was done. David

explained it was on the warrant in 2019. Jim stated that when the big restoration was done, one side was fixed cosmetically but not structurally.

Selectman Yeaton stated that while it is a good idea to create a capital reserve for anything in Town that can be planned for and has known expenses is a good idea, there is concern for spending town money when the Town does not own the building the clock sits on. Before the Town starts investing, they should have an understanding of a 5-10-year plan of costs. Jim explained that they have never done a historic structure report. There is an L-Chip grant available but the L-chip requires an assessment report before they award the grant. The problem is the privately owned building. The tower for the clock runs through the building into the basement. There is no reason to believe the building has any structural distress. The Town is only responsible for the leased portion which is above the roofline. This is not an uncommon situation in New England. Selectman Goulet suggested requesting a building inspection from when the building was sold a few years ago. David does not believe there was one done because it was a private cash transaction between family members. He believes there was a report prepared by the contractor on the clock that was done in 2004 and they discussed creating a capital reserve but the Board at the time wanted all repairs to come to Town Meeting. Selectman Goulet supports creating a capital reserve with a flat appropriation and a master plan. Selectman Crockwell supports setting money aside and creating a master plan for the clock.

Selectman Goulet made a motion to put \$5,000 in a capital reserve fund. Selectman Crockwell seconded the motion. Motion passed 4-0.

V. New Business

Snow and Ice Control Policy

David Jodoin asked what happened this last December on Upper Beacon Road that some of the residents had mentioned during the public hearing. VJ Ranfos, Director of Public Works, answered that after the heavy rain around Christmas, a lot of water was going down the left-hand side and the ditch couldn't handle it and washed out a section of the side of the road. Luckily, it did not undermine the road. Selectman Crockwell asked if it will reoccur. VJ explained it was a combination of the heavy snow storm and the rain. When people plow, they end up blocking culverts. People need to be more aware that they need to keep their driveway culverts clear and open. This is a problem all over town.

VJ discussed the updated Snow and Ice Control Policy. They identified priority roads and sidewalks and deleted buildings that do not need to be taken care of. VJ is concerned for the mailbox policy with a maximum reimbursement of \$25. A granite post was hit while training a new plow driver. The cost for the homeowner was higher than \$25. David explained that the mailbox is technically in the town right of

way but the costs of posts have likely gone up since the policy was created. Selectman Crockwell stated that if it is in the Town right of way and it is hit, then it is not the Town's responsibility to replace it. They will table the reassessment of the \$25.

Selectman Bean made a motion to accept the 2021 Snow and Ice Control Policy as presented. Selectman Goulet seconded the motion. Motion passed 4-0.

Stormwater Asset Managements Services Contract

Selectman Goulet made a motion to accept the Authorize the Town Administrator to sign the contract with Dubois and King Inc. and to authorize the Town Administrator to sign all the necessary documents. Selectman Yeaton seconded the motion. Motion passed 4-0.

Sign Contracts for Encumbrances

Selectman Goulet made a motion to authorize the Town Administrator to sign the contracts as presented. Selectman Yeaton seconded the motion. Motion passed 4-0.

Manifests/Abatements

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

Minutes 12/21/20, 12/28/20

Selectman Goulet made a motion to accept the minutes of December 21, 2020 and December 28, 2020 as presented. Selectman Yeaton seconded the motion. Motion passed 3-0. Selectman Yeaton abstained

VI. Town Administrator Report:

David Jodoin explained in the beginning of January, the Tax Collector takes over delinquent sewer bills. Those bills go out mid-January and the tax deeding process begins after that. That is followed by the lien process in March. The smaller bills are typically written off because it costs more to administer the fee than the debt that is due. With the delay in post office, there are some taxes that came in delinquent so David posted them as of the postage date and not the received date. Some of the bills are assessed interest that equals 1.00 or less on their account.

Selectman Crockwell made a motion to waive anyone who owes 7.00 or less on property taxes for this year only. Selectman Goulet seconded the motion. Motion passed 4-0.

VII. Committee Reports:

Selectman Yeaton – Budget Committee is meeting with the School District on Thursday. Solid Waste is meeting virtually on Wednesday.

Selectman Bean – None

Selectman Goulet – None

Selectman Crockwell – None

VIII. Other Citizens Comment:

Donald Zeaman asked if the Board had any thoughts or feedback on the letter they sent. David stated that it will be taken up at the next meeting.

IX. Non-Public Session:

None

X. Adjourn:

Selectman Goulet made a motion to adjourn at 8:59 PM. Selectman Yeaton 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.