

Pembroke Planning Board
Meeting Minutes
June 28, 2022
(Approved August 9, 2022)

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Kathy Cruson, Brent Edmonds, Kevin Foss, Rick Frederickson, Selectmen's Rep.; Clint Hanson

ALTERNATES EXCUSED: Bryan Christiansen

MEMBERS EXCUSED:

STAFF PRESENT: Carolyn Cronin, Town Planner; Susan Gifford Recording Secretary

Chairman Seaworth called the meeting to order at 6:30 pm. Seven members were present. Chairman Seaworth stated that *New Business item #3 Kimball Street LLC* will be continued to July 26, 2022 due to posting issues at the Concord Monitor. The board apologizes to anyone who specifically came to this meeting for that application.

Vice Chairman Robert Bourque recused himself from both cases of old business, having participated in the Zoning Board of Adjustment hearing for these applications. Chairman Seaworth noted that Alternate Member Bryan Christiansen, previously designated to vote for Robert Bourque on these applications, is excused due to illness but has sent an email with his comments and questions.

Old Business

- 1. Major Subdivision Application #22-01, Keystone Pembroke, LLC, owner of Tax Map 634, Lot 23 located at 42 Whittemore Road in the Limited Office (LO) Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The Applicant proposes to subdivide the lot into five lots: three single-family residential lots to be served by town water and sewer, one lot for proposed multifamily development, and the remainder as part of the golf course.

- 2. Major Site Plan Application #22-101, Keystone Pembroke, LLC, owner of Tax Map 634, Lot 23 located at 42 Whittemore Road in the Limited Office (LO) Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The Applicant proposes a 62-unit multifamily townhouse development to be served by town water, town sewer, and private roadway network.

➤ **Special Use Permit Application SUP-AC #22-305**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for residential use over the aquifer.

➤ **Special Use Permit Application SUP-WP #22-306**

The Applicant requests a Special Use Permit in accordance with Article 143-72.D.(2) and (3), Wetlands Protection District, for impacts to the wetlands and wetlands buffer to construct a roadway and alter the surface configuration of the land. The project includes 73,000 SF of buffer impacts and 365 SF of permanent wetland impacts.

Chairman Seaworth read both application summaries. He noted that the board typically opens both public hearings for related cases at the same time.

Planner Cronin reported that both applications were accepted last month. The Planning Board found the site plan to be a Development of Regional Impact and provided notice to Regional Planning and several towns. Regional Planning provided comments in a letter. Issues noted are traffic and stormwater management. Town of Hooksett has no concerns. The Town Engineer provided a letter with comments last Wednesday. The applicant has not had time to address those comments.

At 6:40 p.m. Chairman Seaworth opened the public hearing on Major Subdivision application #22-01 and Major Site Plan Application #22-101 and associated Special Use Permit Applications. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be on the town website for a future agenda item. Members of the public who wish to speak should give their name and street address. The minutes are being recorded by a microphone in the ceiling. Please address all comments to the board or Chair.

Chairman Seaworth turned the meeting over to the applicant for presentation. Tim Peloquin, Promised Land Survey; Jeff Lewis, Northpoint Engineering; Bob MacCormack, owner; and Steve Pernaw, Traffic Engineer (not present) presented the proposal.

Tim Peloquin, Promised Land Survey, apologized that Steve Pernaw had a conflict with tonight's meeting and will present his traffic study at the next meeting. Turning lanes are proposed at the top of Whittemore Road and at the intersection of Nadine Drive. Police department comment is pending on whether the intersection should be a 3 or 4 way stop. Crosswalks will be installed in front of the new club house.

Mike Vignale's engineering comments about the subdivision are minimal. A five-lot subdivision is planned, consisting of three single-family home lots, one 13.383-acre lot for a series of multi family units and the remainder as golf course land. The existing club house is on the proposed multifamily and will be razed. The driving range is moving across the street near the new club house as part of a separate future application. Chairman Seaworth asked if the subdivision plans are the same as originally proposed. The plans are substantially the same with a change in the golf cart path location.

Jeff Lewis, Northpoint Engineering, stated that the plans provided last fall were conceptual. Minor tweaks have been made to building locations. The applicant has received ZBA Special Exception. The plans have been to Technical Review Committee and do have State permits. Comments from Regional Planning, Mike Vignale's engineering comments letter, and any additional comments from public hearing will be addressed. Applicant will come back with revised plans incorporating all comments. A new driveway will line up and create the four-way intersection. The layout of the intersection is being finalized. A series of six unit and four-unit buildings is proposed. The units will be two story townhouses with garages. There will be at least two parking spaces per unit, each twenty feet wide. The cul de sac will provide secondary access. There will be one six unit building at the top of the road. The revised full plan set will include detailed dimensions, sidewalks, drainage,

and stormwater treatment . Water flows to the low end of the property into an existing water system.

Two Special Use Permits are requested from the Planning Board. There is 70,000 square feet of wetland impact. Most of the wetland area impacted is golf course land. Ninety percent of the wetlands were disturbed previously. It should be noted that most of the 70,000 square feet wetland impact predated zoning when buffers were not required. Several new minor wetland crossings are planned, impacting 3,000 square feet. Chairman Seaworth noted that the Planning Board has authority to waive buffer size in Special Use Permit process.

The impervious area for residential will be smaller, as the old club house will be razed, and the parking lot removed. There will be no storage of chemicals on the residential site. Better stormwater management treatment will be added. Town water and sewer extensions are planned. Gas and electric will be underground and light posts will be aesthetically pleasing. Waivers are requested to providing a professional landscaping plan, in favor of installing comparable landscaping as in Phase I. Waiver is requested for length of cul de sac of 700 feet where 600 feet is the maximum.

Selectmen's Rep Frederickson heard from the Conservation Committee that they did vote to endorse the residential proposal. Planner Cronin will obtain copies of the meeting minutes for that vote. Member Cruson asked for the location of the fire hydrant. The fire hydrant is at the curve. What is the turning radius of the cul de sac? The turning radius is forty-eight feet inside the cul de sac.

Mr. MacCormack stated that the current fertilization schedule is four fertilizations per year on residential land and once every two weeks on golf course land. Since 1960 there has been monitoring wells to the Soucook area which are checked regularly. Chairman Seaworth asked who receives the monitoring reports, and has Mr. MacCormack viewed it? Chairman Seaworth asked if the fertilization plan is a singular plan. No, the management of the golf course is under the golf course. Residential specialists manage the residential fertilization. State licensed professionals apply the fertilizer. What is the unexpected spill process and long-term maintenance plan for the new drainage system? Jeff Lewis stated that question is one of Mike Vignale's engineering comments and will be addressed. Annual inspections are done one to two times a year as a requirement of NH DES to ensure the longevity of the stormwater system.

Selectmen's Rep Frederickson asked if parking for the new club house will be across the street. Jeff Lewis will develop a plan sheet showing the location of all aspects as a big picture view. It was discussed that the current culvert size of twenty-four inches is undersized. NH DES is gathering data on steep slope and upgrading the stream crossing. The goal is to replace the existing culvert with a properly sized culvert. The cart path location and plans to limit salt and sand contamination will be addressed in Mike Vignales's comment response. Salt will be kept away from wetlands, and the intent is to install a catch basin with sumps to pretreat any runoff. Member Cruson asked if there would be two turning lanes at Whittemore Road. There are plans for a right turn lane on Pembroke Street at Whittemore. A similar lane at Donna Drive ends up with two lanes stacked up without proper sight distance to make the turn.

Member Edmonds noted that the geometry of the 4-way intersection is still being finalized. Due to the diverse mix of vehicles, pedestrians, driver ability, bicycles, skateboards, and ATV's I agree that a 4-way stop sign will help cut down the speed. Sight distance is good, but minor traffic calming measures (speed table, bump outs) merit a second look. Would the calming measures be installed on town road or private road?

Mr. MacCormack reminded the board that this topic was brought up in Phase I consideration. At the time, the highway department would not allow traffic calming measures on a public road. I agree speeding is under controlled. There is a stronger police presence now. Member Cruson noted that with kids on bikes and people driving golf carts, I like the use of speed tables. Member Edmonds noted speed tables are an old-style traffic calming tool. There are new methods of traffic calming that could be considered. Chairman Seaworth requested that Planner Cronin find the old notes and minutes discussing traffic calming in Phase I, or prepare a refreshed comment on traffic calming, and provide it to board members to review. Planner Cronin noted that Phase I was approved under a different DPW Director and maybe opinions have changed since then. She will reach out to the current DPW Director for his comments.

Member Foss stated that Conservation Commission is always concerned with wetlands. Consensus of the Conservation Commission is that the impacts from this residential proposal are less than the current situation. They also asked if the developer plans to add sidewalks to Pembroke Street as discussed. Jeff Lewis, North Point Engineering, stated that they would like to see sidewalks as an offset improvement. There are complexities to receiving NH DES permits and sign off on curbing that affect the stream. The applicant does not want to delay development if approved with no guarantee the State of NH would approve the sidewalk design. Mr. MacCormack noted that in Phase I, the applicant paid an exaction fee of \$30,000 and would like the town to produce an appropriate number to design the sidewalk up to Pembroke Street. We also want to see sidewalks up to Pembroke Street. There is a 50-foot ditch beside the road. NH DOT created a four-foot culvert/trench beside Pembroke Street. The water floods across and freezes on Whittemore Road and at the ninth hole. We hope very strongly that sidewalks are put in place.

Planner Cronin asked questions from Bryan Christiansen's email. Alternate Member Christiansen is a voting member on these applications, in place of Vice Chairman Bourque who recused himself. Is construction of more units planned after this phase? Is future housing included in the comprehensive traffic study? Is the COVID factor (and subsequent return to pre COVID traffic patterns) as well as golf season and off season accounted for in the traffic study? The traffic reported should reflect maximum traffic. Alternate Member Christiansen is in favor of sidewalks, which may slow traffic down. Is Mr. Pernaw looking at this one project, or the overall context of the new club house. Applicant stated that the traffic study considers complete buildout on the site, pre and post COVID traffic and maximum traffic. Member Cruson asked about events at the club house where attendees are drinking and leaving impaired. At the top of Whittemore, they need to get onto Route 3. Bob MacCormack stated this scenario concerns us all. We have trained staff and hopefully responsible guests. Yes, there will be more events and more people. We have had 30 to 40 golf outings every year. There is regular alcohol commission presence in the

parking lot who talk to exiting guests. With 150 people at an event and multiple bartenders, we do the best we can to encourage responsible drinking. A person may purchase three drinks, with two being for other guests.

Planner Cronin asked another question for Bryan Christiansen. What is planned for the abandoned power lines along the golf course property? There are 5-6 poles with a single wire on them. Tim Peloquin stated the poles are on an old Eversource easement. Bob MacCormack stated that Bryan is referring to something else. There were several poles and old netting that date back to the inception of the golf course. This is the only thing that remains from that time. The area is highly vegetated and there were plans to remove them sometime. The poles certainly could be removed if the town wanted us to do so. This is the first time anyone has mentioned the poles to me.

Peter Kohalmi, 490 Woodlawn Ridge Rd., I had a lot of concerns, but many have been addressed already. Traffic on Route 3 and Whittemore are a concern. I hope the State of NH allows a turning pocket. I am glad to hear sidewalks brought up as many people walk along Whittemore. There are some corrugated metal pipes that should be replaced. The plans have no details on the retaining walls. Steep slopes need rip rap. The guard rail is only shown on one side and should be on both sides of the street. A 4-way stop sign may get pushback from existing residents on Woodlawn Ridge as a major inconvenience.

Bob Bourque, resident, I understand there will be underground electric service. Will there be secondary containment on pad mounted containers?

Tim Peloquin asked if he might address public comments to date. He also asked if the board could have a discussion on the requested waivers. Tim Peloquin stated that details on the retaining wall is a comment on Mike Vignale's engineering comments letter and will be addressed. Regarding the guard rail only shown on one side, which is a good observation. Applicant will verify that guard rails on both sides are shown. The steep slope stabilization plan will be reviewed. The 4 ways stop sign will require change and was on the list from Technical Review Committee. Member Cruson suggested that a three way stop sign could be considered, allowing Woodlawn traffic to continue through the intersection. Chairman Seaworth noted that Woodlawn would carry the least amount of traffic. Mr. MacCormack asked Pembroke Police to review the three ways versus four ways stop intersection proposal and get back to the applicant. Planner Cronin will reach out to the police department for comment. Mr. MacCormack must provide the new location for golf carts to cross Whittemore Street to accommodate the new club house. There will be stop signs at that crosswalk.

Bob Bourque, resident, asked if a roundabout had been considered instead of a 4-way stop. Mr. MacCormack stated that installing a roundabout would be difficult. There are approximately fifteen utility poles in that area and little chance the utility would move them.

Chairman Seaworth summarized that the board is leaning toward a four way, or three ways stop sign, depending on police department feedback. Safety issues take precedence. Traffic calming measures may be appropriate. Mr. MacCormack will concur with police department advice. Planner Cronin will request Police Department and DPW

comments on the stop sign, as both have new administration since Phase I was considered.

Chairman Seaworth discussed the waiver request for a landscape plan. Planner Cronin noted there is not a formal landscape plan with specific plant types on file for Phase I of Pembroke Pines. The applicant is looking to self-manage the landscaping as it did in Phase I. Mr. MacCormack stated that we want to mirror the landscaping installed across the street without hiring a landscape architect. Landscape would be comparable to Phase I. Member Hanson stated that there is no reason to think the applicant would have different landscaping than what is place at Phase I.

Chairman Seaworth discussed the waiver request for cul de sac length. The ordinance limits cul de sac to 600 feet where 700 feet is proposed. Town water and sewer are in place for all units. Fire hydrants are in place, and all units are sprinklered. Consensus is request is reasonable.

Chairman Seaworth discussed the Special User Permit and wetland buffer impacts. Town ordinance allows the Planning Board to waive the buffer in whole or part. Member Foss noted that the Conservation Commission position was that reforming the land, improving drainage flow and less fertilization was less impact to the wetlands. This is a very unique situation. Member Edmonds agrees with Member Foss and the Conservation Commission. Member Cruson commented why have wetland buffers if they are not respected. Chairman Seaworth noted that the buffers sound absolute but can be waived in the process of approving a Special Use Permit. There are circumstances where a waiver may be warranted. This is one of the first considerations under the revised wetland buffers. The other was on an existing PSNH easement where the roads were already there. Member Edmonds stated that buffers are minimum requirements unless the applicant proposes something better.

Regarding reports and analysis, the Planning Board may want to see at the next meeting, the traffic study provided in the May 24, 2022 packet shows improvement of the intersection with three lanes. Mr. MacCormack owns the property where the sign is located on Whittemore and Pembroke Street. The Planning Board is eager to hear Mr. Pernaw speak to his traffic report at the July 26, 2022 meeting.

At 8:10 pm Chairman Seaworth closed the public hearing for tonight. Please refer to the town website for future Planning Board agendas. No votes will be taken tonight.

MOTION: Member Foss moved to continue consideration of Old Business Agenda Item #1 and #2 to the July 26, 2022 meeting.

Seconded by Selectmen's Rep Frederickson.

VOTE: B. Seaworth – Y R. Frederickson – Y K. Foss - Y
 B. Edmonds - Y K. Cruson – Y C. Hanson - Y

MOTION TO CONTINUE OLD BUSINESS AGENDA ITEM #1 AND #2 TO THE JULY 26, 2022 MEETING PASSED ON A 6-0 VOTE.

Chairman Seaworth stated that Vice Chairman Bourque rejoined the Planning Board at 8:12 p.m.

New Business

3. *****CONTINUED TO JULY 26TH***** Major Site Plan Application #22-102, Scott Frankiewicz, New Hampshire Land Consultants, PLLC acting as Applicant on behalf of Kimball Street LLC, owner of Tax Map VE, Lot 132-1 located at 11-13 Kimball Street in the Business/Residential (B1) Zone, the Central Business District (B2) Zone, the Municipal Separate Storm Sewer System (MS4) District, and the Aquifer Conservation (AC) District.

The Applicant proposes to construct a 6-unit residential development with associated parking and drainage to be served by town water and sewer.

➤ **Special Use Permit Application SUP-AC #22-307**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for residential use over the aquifer.

Minutes

- June 14, 2022

MOTION: Vice Chairman Bourque moved to postpone action on the minutes of June 14, 2022. Member Edmonds seconded.

VOTE: B. Seaworth– Y R. Frederickson - Abstain C. Hanson - Y
K. Cruson - Y K. Foss-Abstain R. Bourque – Y
B. Edmonds- Y

MOTION TO POSTPONE ACTION ON MINUTES OF JUNE 14, 2022, PASSED ON A 7-0 VOTE.

Miscellaneous

1. Correspondence – Planner Cronin received a copy of a NH DOT driveway permit for reconstruction of existing driveway at 442 Pembroke Street. She also received a DES wetlands application regarding a driveway crossing at 245 Pembroke Hill Road which will come before the Planning Board on a future agenda.
2. Committee Reports – Member Foss noted that CIP will be starting next month. Roads Committee – Chairman Seaworth attended part of a Roads Committee meeting this evening prior to Planning Board. The crack sealing project has been delayed due to material problems. Roads Committee listed a specific crack seal material in the request for bids. Chairman Seaworth is unable to recall why that product was selected. The contractor is unable to obtain that product right now but does have a product they claim is better and less expensive than the other material. The product is designed for the New England climate. The contractor has worked with the DPW Director in the past. Roads Committee looks to department advice on technical issues.
3. Other Business - none
4. Planner Items – Planner Cronin stated that Regional Planning will make two presentations at the July 12, 2022 workshop. One is the Zoning Audit, and the other is the Range Road project. There is lot of material in the zoning audit. Regional Planning is recommending a multi-step plan over multiple years to address the issues noted in the audit. Member Cruson asked for clarification that the items would be taken to the voters over multiple years. That is correct. Planner Cronin asked members to be prepared to look at the big picture related to zoning.

Planner Cronin stated that there will be two old and two new items at the July 26, 2022 business meeting. Vice Chairman Bourque asked if the Planning Board should allot

time slots per case so that all cases are heard, and the meeting cutoff time is met. Selectmen's Rep Frederickson asked if the Planning Board is allowed to schedule another meeting the same week to address cases not heard on July 26. Chairman Seaworth noted that if a particular Planning Board agenda appears overbooked, we sometimes warn the applicants with new cases that sufficient time to properly hear all cases may not be possible.

State law has specific limits. The Planning Board does not want to open too many cases at once and not be able to provide each with proper consideration. Planner Cronin stated that applications submitted to the town within 20 days of an agenda shall be on the agenda. Once the board accepts the application as "complete," the time clock starts. On July 26, 2022 Kimball Street application will be the first item due to posting date issues. Pembroke Pines will return and there may be one or two additional new cases. The town needs to notify abutters on the new cases.

Chairman Seaworth noted that in the past, when meetings got too long, the board would continue some over to the work session meeting. Then we stopped doing this as work sessions are very full also. If we see a resurgence of applications, would the board be interested in scheduling public hearing cases at our work session? Selectmen's Rep Frederickson suggested that if we predict we need two meetings to handle all the cases submitted in a month, can we meet on two consecutive days? Delays may cause an applicant to schedule construction into another year. Member Foss asked if the Planning Board could start its meeting a little earlier if we know there is a heavy agenda. Vice Chairman Bourque noted we already moved the start time to 6:30 pm from 7:00 pm. I do not want to be here in a Planning Board meeting up to 11 pm, 12 pm, 1 am. Members get inundated with details and our minds are not clear that late.

Member Hanson asked if we could proactively post two agendas, for example Tuesday and Thursday of the same week, to meet the deadline period to be on the agenda. Planner Cronin noted the Planning Board must meet the statute based on application submittal date. Coordination of booking the meeting room and conflicts with other commitments are difficult to navigate. Chairman Seaworth noted this is a good discussion item. Vice Chairman Bourque asked if the state expects towns to review all the applications submitted in one month. Planner Cronin stated that the Planning Board must demonstrate good faith efforts.

Vice Chairman Bourque noted that the board does not start new business until old business on the agenda is acted on for the night. Chairman Seaworth noted that the Planning Board has moved agenda item order around with a vote when items that can be completed with less time can be taken and acted upon before an anticipated lengthy discussion. At a certain point in the evening, we can continue the remainder of the business on the agenda. Vice Chairman Bourque agreed if we try to get the shorter cases completed up front. Planner Cronin noted that with a heavy agenda, it may be more realistic to set the decision time on whether to continue the Planning Board meeting to 10 pm rather than 9 pm. This would be announced at the beginning of the meeting due to number of items on the agenda.

5. Board Member Items – Member Edmonds asked if the Main Street project has started. It has. Selectmen's Rep Frederickson clarified that Water Works has transferred some of the scope of the project to Merrill Construction, which has the equipment to deal with ledge. A transfer of funding was made for ledge work. Also, Consolidated utility wants Pembroke to pay for moving the poles. Vice Chairman Bourque noted if the state were involved it would declare that the utility move its poles.
6. Audience Items - none

MOTION: Vice Chairman Bourque moved to adjourn the meeting. Seconded by Member Edmonds.

Without objection the meeting was adjourned at 8:40 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary