

Pembroke Planning Board
Meeting Minutes
June 14, 2022
(Approved August 9, 2022)

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Brent Edmonds, Kathy Cruson, Kevin Foss, Rick Frederickson, Selectman'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. One alternate member was excused.

Public Hearings

1. Amendments to Site Plan and Subdivision Regulations

Site Plan Review Regulations: To amend Chapter 203, Town of Pembroke Site Plan Review Regulations to require as-built plans for projects required to comply with the MS4 Ordinance, in accordance with the EPA requirements for MS4.

Subdivision Regulations: To amend Chapter 203, Town of Pembroke Subdivision Regulations to require as-built plans for projects required to comply with the MS4 Ordinance, in accordance with the EPA requirements for MS4, and to amend the roadway construction requirements to increase the depth of pavement from 3 inches (2" base and 1" top) to 4 inches (2.5" base and 1.5" top).

Chairman Seaworth read aloud the proposed amendments to Site Plan and Subdivision Regulations. He opened the public hearing at 6:35 p.m.

Planner Cronin reviewed the redlined information and additional language added to Site Plan Regulations as mandated by EPA. The requirement to that the town maintain as built plans showing stormwater infrastructure only applies to projects that are required to have MS4 review. Planner Cronin read the three triggers for MS4 review: located in the MS4 district, requires Planning Board review, and disturbs 10,000SF or more. The Town Engineer monitors all stormwater construction throughout the project.

Gerry Fleury, 21 Kimball Street, asked about the change in pavement depth requirements. Does this change create a standard for town projects in progress such as Main Street?

Chairman Seaworth stated that the requirements in subdivision regulations apply to developers, not the town. The new standard would take effect on the date approved for future proposals. However, Town of Pembroke has been using the higher standard for paving and is asking that developers use the same standard.

Planner Cronin reviewed the proposed amendments to Subdivision Regulations. The regulations have the exact same additional language in accordance with EPA

requirements for MS4 as Site Plan Regulations. Secondly, as the Chair discussed, the depth of pavement is updated to require developers to use the same standard the Town of Pembroke is already using. The recommendation to increase thickness of pavement came from the Roads Committee to the Planning Board in February 2022. Increasing the depth of pavement increases the longevity of the road. The Town Engineer assisted with updating cross sections with updated pavement thickness. The change is memorialized in the text of Subdivision Regulations and in diagram consistency.

Chairman Seaworth noted that the Town Engineer found other things to work on that require more time. The Planning Board did not want to delay adoption of increased pavement thickness. Previous Subdivision Regulations are frozen for plans already submitted. The revised pavement thickness is effective June 14, 2022, for new plans submitted after that date. Chairman Seaworth noted that the Planning Board typically asks that private roads be constructed to town specifications when the road first goes in. If the road is ever transferred to the town, it is already built to town standards.

Member Foss noted that the golf course project consists of all private roads, so the Town DPW is not worried about the maintenance of these roads.

Gerry Fleury, 21 Kimball Street, stated that having high standards for pavement depth sounds like a good idea. If the town should inherit the road, it would be built to current town specifications.

There being no further input Chairman Seaworth closed the public hearing at 7:10 p.m.

MOTION: Vice Chairman Bourque moved to approve the amendments to Site Plan Review Regulations in accordance with EPA requirements for MS4 as presented. Member Hanson seconded.

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

MOTION TO APPROVE AMENDMENTS TO SITE PLAN REVIEW REGULATIONS IN ACCORDANCE WITH EPA REQUIREMENTS FOR MS4 AS PRESENTED PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Bourque moved to approve the amendments to Subdivision Regulations in accordance with EPA requirements for MS4, and to amend the roadway construction requirements to increase depth of pavement from three inches to four inches as presented. Member Hanson seconded.

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

MOTION TO APPROVE AMENDMENTS TO SUBDIVISION REGULATIONS AS PRESENTED PASSED ON A 7-0 VOTE.

Old Business

2. Range Road Policy – Scope of Services from CNHRPC

Planner Cronin reported that she met with Central NH Regional Planning Commission (CNHRPC) to discuss the scope of Phase I of the Range Road study. The first piece of Phase I includes data collection and preparing buildout scenarios on 3rd Range Road and 4th Range Road as identified in the Master Plan. Computer models will be prepared showing maximum buildout looking at parameters including frontage, acreage, type of development and other details the Planning Board designate. Craig Tufts of CNHRPC will help with preparing computer models. The second piece is cost analysis to bring the road from Class 6 to Class 5. Mike Vignale can look at cost by linear foot on each range road. The third part of Phase I is that the buildout models and cost analysis combined will give us the payoff to upgrading the range roads. Traffic analysis can be run on 3rd Range Road and 4th Range Road, individually or both together to project impact, if any, to Route 3 traffic patterns. The Planning Board would start public engagement with a presentation of facts only. Stakeholder input would follow in Phase 2 leading to vision and goals. Changes to zoning ordinance and zoning districts would be considered for future town meeting votes.

Planner Cronin stated that the facts, buildout models and public input from the study can inform town range road policy. Is this the direction the board wants to go in Phase I? Planner Cronin can get back to CNHRPC if this is the case. Chairman Seaworth noted that the cost to improve each range road is key. Member Cruson stated that existing conditions can be unbelievably bad and will add extra cost. Planner Cronin stated existing road conditions will be factored in. Mike Vignale, Town Engineer, will develop a base assessment of conditions on the ground. Member Cruson asked if there is any evidence of the impact resulting from opening 8th Range Road. Planner Cronin noted that opening 8th Range Road occurred between 20 to 50 years ago. Selectmen's Rep Frederickson noted the road has grown in use over the time span. Member Cruson stated that the traffic counts at North Pembroke Road are taken regularly. A comparison of flow over different years can be made.

Member Cruson stated there is significant impact at Pembroke Academy to Route 28, Buck Street and Pembroke Street. Is there any chance of reducing the number of cars at Pembroke Academy and student overflow parking at the church? It was discussed that there is no student transport from Allenstown or Epsom. Pembroke offered student bus service to PA in October 2021 and discontinued it November 15, 2021 due to lack of use. There would need to be a change in state law on busing. The number of people driving cars to Pembroke Academy would remain the same. Chairman Seaworth stated we can put that on our list and request the experts at Regional Planning consider the impact at Pembroke Academy. Member Cruson stated that the Planning Board could provide basic information. Member Hanson stated that Pembroke Academy administration can provide vehicle counts.

Vice Chairman Bourque noted that the original question was the volume of calls coming into town hall from people who wanted to build a single-family home on the range roads. Planner Cronin said the calls were for 5th, 6th, 7th, 3rd or 4th Range Road depending on which property was listed for sale at the time. Chairman Seaworth agreed that the town needs cost analysis for road improvement from Class 6 to Class 5 on all the range roads. Member Hanson stated it would be useful to have frontage and buildout numbers. Who is going to pay for road improvements? Abutters benefit from improved road value without

contributing to the cost. Selectmen's Rep Frederickson said one option may be that the town pay shared cost.

Member Foss said we need a comprehensive set of data and cost on all range roads. Chairman Seaworth agreed that cost analysis should be available for each range road. This can be on the list of parameters to discuss with Craig Tufts at a future meeting. Member Foss stated that Conservation Commission discusses range roads every month. A suggestion was made for an option to convert a road to a trail in lieu of opening it up. Member Cruson suggested that for example, 8th and 4th Range Road could be open while 5th Range Road is designated as a trail. Alternating open roads and trails really influences property value. Chairman Seaworth stated if the town land locks a property, it gets complicated. Vice Chairman Bourque is agreeable to going through the data collection phase. Member Cruson suggested talking to Town of Chichester about alternative gravel roads. Member Hanson noted Route 3 has long been looked at as an alternative to NH Interstate Highway 93.

Chairman Seaworth stated that Roads Commission and Department of Public Works both had a strong reaction to the cost and time of maintaining dirt and gravel roads. Additional steps need to be taken to keep gravel roads open in winter. Three houses located on 6th Range Road have an existing agreement with town that homeowners are responsible for maintenance in perpetuity. Roads Commission and DPW are not opposed to additional homeowner maintenance agreements. Times are different than they were in the 1970's. If a dirt or gravel road were not maintained to the level that an emergency vehicle has access, is there town liability? Member Cruson understands their viewpoint about access. Member Foss added that some towns with dirt and gravel roads have very small Department of Public Works. Vice Chairman Bourque asked about a planned maintenance surface treatment on dirt roads. Member Edmonds said I have not seen that done in the last twenty years. Member Edmonds noticed a note on a diagram suggesting that treatment on road shoulders. It may be an old note. Cost and availability of materials is an issue. There are environmental issues possible. The material used stabilizes very quickly and layers of sand blot it up. It is still possible some material will run off.

Selectmen's Rep Frederickson asked for clarification that no town funds are needed for the study. Planner Cronin stated that CNHRPC has state and federal funding available for the cost of the study. CNHRPC has funding available to help towns with road issues. Planner Cronin said Craig will be coming in to talk about parameters of the study. The Planning Board sets the details, Regional Planning runs studies and brings back the facts to the Planning Board. One concern is what is the tipping point for housing? Regional Planning does regular updates on housing. This project is not a contract with Town of Pembroke, is not paid for by us, and the schedule may be looser. Selectmen's Rep Frederickson would like a tentative date to see the information. Chairman Seaworth noted Regional Planning knows their grant parameters and dates funding is available. They will build out scenarios on the range roads, perform traffic analysis and cost analysis.

Planner Cronin will set up a meeting with CNHRPC to discuss details of data collection in Phase I. For projected date of recommendations from the study, she noted that Regional Planning talked about Town Meeting 2024.

Member Cruson stated I have seen buildout projections before on large lots. No consideration is taken of topography. How personalized to the land will the projection be? Are there too many or few enough parcels that the study can be more customized to frontage and acreage? Planner Cronin noted there will be no field surveys. Chairman Seaworth said another consideration is how do we protect important town resources. Eliminating building by the river does not always go as planned. Zoning has no constraint on house size. Survey information will not be available unless the lot has already been surveyed in the past.

Member Cruson stated that CNHRPC has diligent workers and lots of knowledge, but I am not sure they can determine where the building would occur in town. In North Pembroke you cannot build on 50% of the land. A projection of new housing built would not be accurate. Member Hanson suggested taking 50% of the number derived to get a more accurate projection. Member Cruson noted that similarly, traffic studies are determined by a national book of data. Chairman Seaworth noted that discussion of whether a piece of data is valuable to us may be a topic for determining parameters. Vice Chairman Bourque said he is interested in the tipping point, where more homes increase the need for public services. Chairman Seaworth said to distribute costs we need studies with that factor. I am not aware that the town is on the edge with any public services. Selectmen's Rep Frederickson stated that a study of Hill School is requested. Chairman Seaworth noted that the study is to get to current count. The Town closed the school. It cannot charge developers to build a new school.

Vice Chairman Bourque stated that Tri Town will need to provide a second ambulance in the fall of 2022 for 8 hours a day/5 days a week. In 2023, the second ambulance hours would need to be 8 hours a day/7 days a week based on 118 new housing units in Allenstown, 110 new units in the mill yard, and 101 units at Beacon Hill. Tri Town has this plan in place. Towns must know when the town is going to need increased services to develop a plan. Member Hanson stated that he lived in a town where population doubled from 7,000 to 14,000. If required, the town must provide services. Selectmen's Rep Frederickson said it is helpful to have information in advance to plan for increased services.

Chairman Seaworth stated I see this as similar to the housing study CNHRPC provides regularly. CNHRPC has computer tools to get more accurate information. DPW needs to know the impact on their operations fifty new homes would create. Vice Chairman Bourque stated it takes the full town crew eight hours to plow the town once during a storm, as an example. Chairman Seaworth stated consensus is the Planning Board supports Phase I as described by CNHRPC. Member Edmonds noted that in the past, Town of Pembroke considered a growth ordinance and had one in place at one time. Chairman Seaworth noted that growth ordinances almost always fail in court if challenged. Regional Planning does have a good understanding of regulations to impact growth that are valid.

Member Cruson suggested that the town increase acreage required for buildable area to encourage people to look at buildable area that is realistic for the lot under consideration. Vice Chairman Bourque asked do we keep buildable area the same on a two-acre lot as on a five-acre lot? Planner Cronin stated that if a town is changing development

regulations, there needs to be a rational explanation for the requirements. A range road policy will help the town support a fact based, rational contiguous buildable area. Vice Chairman Bourque said terrain and wetlands limit buildable are. Chairman Seaworth stated this is not the timing for this discussion.

Member Foss stated the next item will be a meeting with CNHRPC. The articulated goal of that meeting is to set the parameters for fact finding. Member Foss stated that the concept that started the discussion of a range road policy was that only developers with deep pockets could afford to build on range roads under current iterations of zoning and subdivision regulations.

Chairman Seaworth noted that the Pembroke Master Plan is creating the impetus to produce a strategy. Member Foss asked how we balance ecological effects and allowing an individual to build a single-family home on their land.

Planner Cronin summarized that the structure proposed by CNHRPC is to first perform fact finding, collect data and then bring other parties in to provide insight based on the facts. The next step is for the Planning Board is to meet with CNHRPC to discuss parameters of fact finding.

Minutes

May 24, 2022

MOTION: Vice Chairman Bourque moved to approve minutes of May 24, 2022 as amended (page 7, large paragraph 5 lines down add “issue sent to DPW Director and was also forwarded”). Member Hanson seconded.

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

MOTION TO APPROVE MINUTES OF MAY 24, 2022 AS AMENDED PASSED ON A 7-0 VOTE.

Miscellaneous

1. Correspondence- none
2. Committee Reports CNHRPC – Member Cruson noted that Regional Planning had a presentation on the rail trail. Craig Tufts needs a community “champion” to organize details and spur the project on, including verification of right of way through land. Member Cruson did not volunteer. Also, there was mention of \$5 million in grants available for town zoning updates. Planner Cronin will clarify the details. Planner Cronin added that the rail trail will need an agreement with Eversource. Discussions were started about ten years ago. The next step is to reconnect with Eversource and produce an agreement.

Roads Committee - Chairman Seaworth reported that Roads Committee met last week. Two bonded 2022 projects are underway. Sherwood Meadows is going well. Paving project bids got in early, but treatment bids need warmer weather to perform crack sealing. Material costs have gone up, and the town may need to rethink the areas for this year’s treatment work.

TRC – Vice Chairman Bourque reported that TRC met this morning. Kimball Street Site Plan was reviewed. Several questions came up in discussion. Planner Cronin noted that

design review was held in April/May 2022. The applicant has filed actual plans that are scheduled to be on the June 28, 2022 agenda.

Conservation Commission – Member Foss reported that Conservation Commission met last night. Representatives of Mr. MacCormack were at the meeting to discuss impacts of the proposed subdivision development. Member Foss noted that mowing, irrigation, and fertilizing already occur inside wetland setbacks. Conservation Commission had a lengthy conversation about range roads.

Board of Selectmen – Selectmen's Rep Frederickson reported that the Main Street project is delayed because Pembroke Water Works cannot take care of the ledge involved. Contractor Merrill will take care of ledge, so costs have been shifted to reflect that change. Eversource has an issue with paying for utility poles. Vice Chairman Bourque noted that his understanding is that the utility poles in Pembroke belong to Consolidated.

3. Other Business- Bond Estimate for San Ken Homes Phase 1 Roadway Bond. Planner Cronin noted that San Ken needs to post a bond for Phase I Roadway Completion. This is the first half of the big loop road and involves about twenty houses. Town Engineer Mike Vignale put the estimate together. The process is that the Planning Board reviews the estimate and agrees on the bond amount. The Board of Selectmen accepts the bond once it is provided as a letter of credit. The amount of the estimate is \$196,900. Member Edmonds asked if San Ken had reviewed the estimate. Planner Cronin said San Ken has reviewed the estimate and agrees.

MOTION: Vice Chairman Bourque moved to approve the Phase I Roadway Completion bond estimate in the amount of \$196,900 as presented. Member Foss seconded.

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

MOTION TO APPROVE THE PHASE I ROADWAY COMPLETION BOND IN AMOUNT OF \$196,900 PASSED ON A 6-0-1 ABSTAIN VOTE.

4. Planner Items – Planner Cronin noted that the meeting agenda on June 28, 2022 will include Pembroke Pines Subdivision Plan and Site Plan, and the Kimball Street Site Plan. Vice Chairman Bourque asked if the planner heard back from any towns on Pembroke Pines Development of Regional Impact notice. Planner Cronin noted that Town of Hooksett replied they have no concerns.
5. Board Member Items – PACE – Member Hanson noted that NH Department of Education came across a check from PACE that was uncashed for over a year while a person was out on leave. PACE ceased to exist as of June 30, 2022. The check is the only outstanding item that is known.
6. Audience Items - none

MOTION: Vice Chairman Bourque moved to adjourn the meeting. Seconded by Selectmen's Rep Frederickson.

Without objection the meeting was adjourned at 8:02 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary