

**Pembroke Planning Board**  
**Meeting Minutes**  
**September 27, 2022**  
(Pending September 30, 2022)

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

**ALTERNATES PRESENT:** Bryan Christiansen

**MEMBERS EXCUSED:** Kevin Foss

**STAFF EXCUSED:** Carolyn Cronin, Town Planner

**STAFF PRESENT:** Susan Gifford Recording Secretary

Chairman Seaworth called the meeting to order at 6:30 pm. Six members and one alternate member were present. Chairman Seaworth designated Bryan Christiansen to vote for Kevin Foss.

Chairman Seaworth noted that Planner Cronin was excused as she was ill. Chairman Seaworth noted that he relies on her organization and meeting packets heavily. We will proceed with the meeting relying on her notes. For the public, when the public hearing is opened, please be recognized to speak, provide your name and address for the record and be aware of the microphones in the ceiling to pick up the information for our planner and minute taker. Any side conversations may drown out the proceedings. Thank you in advance for following our procedures.

**New Business**

**1. \*\*\*CONTINUED TO OCTOBER 25<sup>TH</sup>\*\*\***

**Minor Subdivision Application #22-02, Robert Degan, S & H Land Services, LLC acting as Applicant on behalf of MDR Rehab & Development, LLC, owner of Tax Map VW, Lot 58 located at 15 Lindy Street in the Medium Density Residential (R1) Zone, the Aquifer Conservation (AC) District, and the Municipal Separate Storm Sewer System (MS4) District.**

The Applicant proposes to subdivide the lot into 2 residential lots to be served by town water and sewer.

Chairman Seaworth read the case and the September 16, 2022 email the applicant sent to Planner Cronin. It is the applicant's intent to apply for a variance. He requests that the Minor Subdivision application be continued to the October 25, 2022 Planning Board meeting.

**MOTION:** Selectmen's Rep Frederickson moved to continue consideration of New Business Item #1 to the October 25, 2022 meeting at the request of the applicant. Member Edmonds seconded.

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

**MOTION TO CONTINUE CONSIDERATION OF NEW BUSINESS ITEM #1 TO THE OCTOBER 25, 2022 MEETING PASSED ON A 7-0 VOTE.**

**2. Major Site Plan Application #22-105, David Frothingham III, Wilcox & Barton, Inc. acting as Applicant on behalf of SCF RC Funding IV, LLC, owner of Tax Map 632, Lot 17 located at 98 Sheep David Road in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.**

The Applicant proposes to construct building additions totaling 24,900 SF with associated parking and site improvements.

➤ **Special Use Permit Application SUP-AC #22-314**

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

In her staff report, Planner Cronin reported that the company is closing the United Ag & Turf location at 149 Sheep Davis Road and consolidating it into the existing United Construction & Forestry site at 98 Sheep Davis Road. The applicant proposes building expansions and site improvements to accommodate the additional staff and sales at the existing site. Site improvements include 24,900 SF of building addition, parking lot expansion, and stormwater management.

The use is permitted in the C1 Zone. A Special Use Permit is required in the AC District. The “commercial and industrial vehicle maintenance” use is allowed as an accessory use in the AC District and cannot exceed 40% of the total building square footage. 34.8% of the building square footage will be used for commercial and industrial vehicle maintenance, confirming that the use is accessory and would be permitted in the AC District as presented.

A TRC meeting was held on September 13, 2022. Sewer connection, building plans, and aquifer impacts were discussed. Please see TRC Minutes for full comments. The Town Engineer issued a review letter dated September 21<sup>st</sup>

with several stormwater comments. At their September 12<sup>th</sup> meeting, the Conservation Commission expressed concerns about impacts to the aquifer from machinery and fueling activities.

Vice Chairman Bourque read the checklist waiver requests. Planner Cronin reported that they are appropriate as they are not applicable to the project, or they are pending items (NH DOT and DES approvals): Part A – General Information: D. Vehicle usage and L. Multifamily housing; Part B – Site Plan Information: B.(7) Open space, B.(11) Proposed streets, and B.(17) State approvals; and Part C – Construction Plans: B. Roadway profiles and C. Roadway cross-sections.

Vice Chairman Bourque noted that SUP-AC #22-314 application is incomplete according to the checklist. Chairman Seaworth noted that the Planning Department has one special use permit checklist for multiple types of special use permits. Some of the items only apply to wetlands protection special use permits. This application only has an Aquifer Conservation special use permit.

**MOTION:** Vice Chairman Bourque moved to grant the waiver requests for checklist items Part A. Items D and L; Part B. Items B.(7), B.(11) and B.(17); and Part C. Items B. and C.  
as requested by the applicant. Seconded by Member Edmonds.

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

**MOTION TO GRANT THE WAIVER REQUESTS AS LISTED ABOVE  
PASSED ON A 7-0 VOTE.**

**MOTION:** Vice Chairman Bourque moved to grant the waiver request for special use permit checklist #3. Seconded by Member Edmonds.

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

**MOTION TO GRANT THE WAIVER REQUESTS AS LISTED ABOVE  
PASSED ON A 7-0 VOTE.**

**MOTION:** Vice Chairman Bourque moved to accept the application as complete. Seconded by Member Edmonds.

**VOTE:** B. Seaworth – Y R. Frederickson- Y C. Hanson- Y

B. Edmonds - Y  
K. Cruson - Y

R. Bourque – Y

B. Christiansen-Y

**MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.**

At 6:38 p.m., Chairman Seaworth opened the public hearing on Major Site Plan application #22-105 and SUP-AC-#22-314. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be found on the town website for a future agenda item.

David Frothingham, Wilcox & Barton, Inc., acting as applicant on behalf of SCF RC Funding IV, LLC, stated that the site will be leased and operated by United Construction & Forestry. The site will be developed with a gravel yard for equipment display and offices, storage of parts, and equipment show room in the existing building. There is an existing curb cut and paved parking on the left side of the building. Paved parking will be used by employees and for retail sales. Overflow gravel parking is provided for infrequent training. A concrete apron will be built around the building for use by tractors. The remainder of the lot will remain gravel.

There is a proposal to construct a two-story addition and add a second story to a portion of the existing building, totaling 24,900 square feet. Administration will move to this site. Offices and a conference room will be on the second floor. A few more bays will be added to the shop and a 10,000 square foot cold storage space is provided for larger equipment pieces.

David Frothingham stated that the site is served by municipal water and sewer. Applicant met with Pembroke Sewer Commission on site today. The new oil/water separators were approved by the Sewer Commission. The dumpster is on a gravel pad. The existing above ground fuel tank will be removed and replaced with an industry standard 1,000-gallon fuel tank consisting of 500 gallons gasoline and 500 gallons diesel fuel. NH DES approved the fuel tank plans. Applicant is proposing an exterior loading dock, with equipment moved to display for sale in front of the building, to be worked on inside, or used for demonstration and education in the back of the building.

David Frothingham explained the stormwater system. A small pond will be expanded, and another pond added, to capture and infiltrate the water. The back area gap will be filled to keep all water retained on site. A 100-gallon

infiltration galley will be provided for roof runoff. This reduces peak runoff in the 10-, 25-, and 50-year calculations.

Chairman Seaworth clarified that NH DES has approved a permit for the fuel tank. Applicant applied for updated NH DES permit for additional use. No wetlands are involved. Vice Chairman Bourque asked if the oil water separator will remove antifreeze. Applicant said any water-soluble material will be captured. Vice Chairman Bourque asked if applicant considered plugging the drain hole in garage. David Frothingham explained that snow, ice, and heating oil need to flow into the drain hole. Drain is sized to contain 110% of new fuel system using double wall tank with barriers that meet federal regulations. The three-inch space in the middle will hold everything in the primary tank. The tank is not open to rainwater.

Member Edmonds asked if pressure washing will occur inside the building. David Frothingham said yes, pressure washing will be done in a bay. Emery and Garrett's suggestions will be incorporated as conditions of approval. Applicant plans to install monitoring wells. Member Edmonds asked how frequently gasoline and diesel will be delivered. David Frothingham said we fill the tank of every piece of equipment when it goes out. A normal delivery schedule is 3-4 times a month. Electronic sensors notify vendor when tank is at 20%. Applicant follows all EPA specified clean up plans, including annual training for employees and updated plan every five years.

Chairman Seaworth invited questions from members of the audience. Seeing none, he asked about the two reports provided in the packet, and additional items the Town Engineer would like to see completed prior to approval. Applicant stated that prior to approval, all conditions from both reports will be complete. David Frothingham stated he has provided a response to the Town Engineer's most recent comments. Chairman Seaworth stated that the Planning Board has done the scenario of including conditions of approval that the applicant can take care of, relying on staff to confirm that the items are addressed.

Chairman Seaworth read the proposed draft conditions of approval. Applicant stated they have addressed several of them. Chairman Seaworth would like to add a new #11 "NH DES permit shall be submitted to the Planning office." And renumber #11 to #12.

Member Edmonds asked about inventory of materials, such as lubricants and oils, and size of containers stored on site. David Frothingham stated that material can be in quart, gallon, or five-gallon buckets. Some customers take advantage of a pre-buy program. Lesser amounts are sold at retail. Larger amounts are kept in secure cold weather storage, locked in, and staged on pallets. Applicant keeps inventory records on computer available at any time. Virgin motor oil and hydraulic oil is provided in 200–300-gallon quantities to the bays for equipment. There is a 500-gallon used oil tank on site. Vice Chairman Bourque asked if all those tanks have secondary containment. Applicant responded in affirmative. Chairman Seaworth noted that if the nature of inventory changes, NH DES and Planning office would be notified.

There being no further input Chairman Seaworth closed the public hearing at 7:10 p.m. for tonight. Chairman Seaworth noted that if this application is not completed tonight, the application and its public hearing will be continued to a future meeting and not renoticed. Vice Chairman Bourque requested that an updated copy of draft conditions of approval be given to applicant. Chairman Seaworth stated that the Planning Board has started a list of questions on every application that we should continue. The four questions on completeness and meeting all regulations will be combined into one question in the future.

**MOTION:** Vice Chairman Bourque moved to approve Special Use Permit SUP-AC #22-314 conditionally until Major Site Plan #22-105 has received final approval, at which time the Special Use Permit becomes final for as long as the plan is approved. If at any time the plan is revoked or final approval is not received, the Special Use Permit becomes invalid.

Seconded by Member Hanson.

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

**MOTION TO APPROVE SUP-AC-#22-314 WITH CONDITIONS PASSED ON A 7-0 VOTE.**

**MOTION:** Vice Chairman Bourque moved to approve Major Site Plan Application #22-105 with the following conditions:

1. All waivers and the date granted shall be listed on the plan.
2. All conditions of approval shall be listed on the plan.

3. Prior to signature, the plans shall be revised to address all review comments from the Town Engineer and any applicable concerns and issues.
4. Prior to signature, the Zoning Notes on Sheet 5 shall be updated to reflect the accurate C1 zoning dimensions.
5. Prior to signature, test pit locations shall be added to the final plan.
6. Prior to signature, a note shall be added to the plan stating that 34.8% of the building square footage will be used for commercial and industrial vehicle maintenance as an accessory use.
7. The Applicant shall adhere to all recommendations from EGGI, as presented in their report dated August 18, 2022. After installation of the monitoring wells, the Applicant shall continue to work with EGGI and Pembroke Water Works to establish an appropriate sample schedule.
8. The original signatures of all property owners shall be provided on the final plan.
9. The Site Plan Review and Special Use Permit Notices of Decision are to be recorded at the Merrimack County Registry of Deeds and recording fees paid to Town of Pembroke.
10. NHDOT Driveway Permit is required.
11. NH DES permit shall be submitted to the Planning office.
12. The site plan will not be considered as receiving final approval until all conditions of approval are met.

Seconded by Member Hanson.

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

**MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #22-105 WITH CONDITIONS PASSED ON A 7-0 VOTE.**

- 1. ALL WAIVERS AND THE DATE GRANTED SHALL BE LISTED ON THE PLAN.**
- 2. ALL CONDITIONS OF APPROVAL SHALL BE LISTED ON THE PLAN.**
- 3. PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO ADDRESS ALL REVIEW COMMENTS FROM THE TOWN ENGINEER AND ANY APPLICABLE CONCERNS AND ISSUES.**
- 4. PRIOR TO SIGNATURE, THE ZONING NOTES ON SHEET 5 SHALL BE UPDATED TO REFLECT THE ACCURATE C1 ZONING DIMENSIONS.**
- 5. PRIOR TO SIGNATURE, TEST PIT LOCATIONS SHALL BE ADDED TO THE FINAL PLAN.**

6. **PRIOR TO SIGNATURE, A NOTE SHALL BE ADDED TO THE PLAN STATING THAT 34.8% OF THE BUILDING SQUARE FOOTAGE WILL BE USED FOR COMMERCIAL AND INDUSTRIAL VEHICLE MAINTENANCE AS AN ACCESSORY USE.**
  7. **THE APPLICANT SHALL ADHERE TO ALL RECOMMENDATIONS FROM EGGI, AS PRESENTED IN THEIR REPORT DATED AUGUST 18, 2022. AFTER INSTALLATION OF THE MONITORING WELLS, THE APPLICANT SHALL CONTINUE TO WORK WITH EGGI AND PEMBROKE WATER WORKS TO ESTABLISH AN APPROPRIATE SAMPLE SCHEDULE.**
  8. **THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.**
  9. **THE SITE PLAN REVIEW AND SPECIAL USE PERMIT NOTICES OF DECISION ARE TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS AND RECORDING FEES PAID TO TOWN OF PEMBROKE.**
  10. **NHDOT DRIVEWAY PERMIT IS REQUIRED**
  11. **NH DES PERMIT SHALL BE SUBMITTED TO THE PLANNING OFFICE.**
  12. **THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**
3. **Special Use Permit Application SUP-WP #22-315, Pascal Belperron, owner of Tax Map 565, Lot 193-3 located at 245 Pembroke Hill Road in the Medium Density Residential (R1) Zone and the Wetlands Protection (WP) District.**
- The Applicant requests a Special Use Permit in accordance with Article 143-72.D. to construct a driveway with one wetland crossing.

Planner Cronin's staff report noted the Applicant appeared before the Board on July 26, 2022 with a Special Use Permit application. The Board denied the application. In accordance with Zoning 143-147, Denial of Application, the applicant may reapply, and the application shall be treated as a new application. Since the last submittal, the Applicant has received a DES Wetlands Permit. The Applicant now requests the Board's approval of the Wetlands Special Use Permit for impacts to the wetland for the purpose of constructing a driveway to access a proposed single-family residence. The proposed driveway is 14 ft. wide and 789 ft. long with one wetland crossing.



The crossings will result in a total of 1,640 SF of permanent wetland impact. One culvert is proposed.

A Technical Review Committee meeting was held on September 13, 2022. Department heads discussed sewer connection and the existing sewer easement, as well as fire and ambulance access and turnaround. Please see TRC Minutes for full comments. The Town Engineer had no concerns.

Planner Cronin's staff report explained that the application is necessitated by the impacts to the wetlands and wetland buffer from the proposed driveway. The Planning Board should evaluate the Special Use Permit based on information about the wetland impacts, and the criteria of the Wetlands Protection ordinance (143-72), and the criteria of the Special Use Permit ordinance (Article XVIII). Many department comments were received on the overall design of the driveway, but these comments are informational only as the Board is tasked with reviewing the wetland impacts only. A Driveway Permit will be required by DPW for the curb cut, which must conform to the requirements of the Town Driveway Regulations. The Applicant is willing to work with Fire and Ambulance on the driveway design to accommodate their needs as best they can. Construction of the driveway will be subject to any conditions imposed by NHDES through their Wetlands Permit review and approval.

Chairman Seaworth stated that the Special Use Permit Application is essentially the same application as previously submitted. Tonight's application includes a NHDES Wetlands Permit approved July 28, 2022. It is a new application as far as formalities. The Planning Board must review added information. The applicant attended the September 12, 2022 Conservation Commission meeting. Planning Board members were provided the minutes of that meeting.

At 7:18 p.m. Chairman Seaworth opened the public hearing on SUP-WP-#22-315. If members of the public wish to speak, please be recognized by the Chair, state your name and address. Please do not duplicate discussion of July 26, 2022. 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.

Pascal Belperron, owner, provided two packets of photographs to Planning Board members. One was recent photographs of the property and the other

is photographs from earlier this year. The new photographs show where the proposed driveway would enter the property from the street. The photographs show disturbance of other sections of the wetlands, not caused by us, but other ATV and dirt bike vehicle traffic through the site. Our proposed driveway would disturb the smallest wetlands on the site. The larger area of wetlands would not have the disturbance it has been receiving as a vacant lot with no monitoring of their use. With a house and driveway and people living at the site, ATV and dirt bike use would not be allowed to disturb the site.

Member Cruson asked what makes you think the ATV and dirt bike use would decrease? Pascal Belperron stated that hopefully we could see the activity, monitor it, and stop it. Member Cruson stated that vehicles are currently parked on the property. Pascal Belperron stated we have parked vehicles where we propose the driveway to enter the property. Member Edmonds asked if the applicant only plans to build a single-family house. Do you have plans for development or dividing up the lot? Chairman Seaworth noted that the Conservation Commission minutes of September 12, 2022 show discussion by applicant that plans include subdividing for a second house. Pascal Belperron stated he and his brother Marcel plan to build a single-family house large enough for both families to live there. Pascal clarified that they may possibly build a second house on another location.

Selectmen's Rep Frederickson asked for clarification that the Planning Board is voting on a request for a Special Use Permit Wetlands Protection for one small wetland crossing for a proposed driveway. Chairman Seaworth stated that is correct. A building permit request goes to Code Enforcement. A driveway request goes to Department of Public Works. Member Cruson asked for clarification of what Photograph #9 denotes. Pascal Belperron stated #9 is an example of damage to the larger wetlands. Which photograph is the proposed driveway of this application? Pascal Belperron stated the proposed driveway is shown in Photograph #4. It was noted that the 700 plus foot driveway would need to be maintained in winter. It was asked if there was another access point that would be a better alternative. Chairman Seaworth asked if NH DES addresses maintenance of driveway in its wetland permits. The answer is no, NH DES does not address maintenance.

Terri McCarthy, 376 3<sup>rd</sup> Range Road, stated she was not at the previous Planning Board hearing. Her concerns are sewer questions. Does the proposed driveway go over the easements or not? Karen McCarthy stated

her second issue is lack of privacy. The proposed driveway goes behind our property and along side of it. The prior owner Holden Engineering agreed to install a buffer of trees years before building a house so the buffer would have time to grow. Chairman Seaworth stated that the Planner had some information on the sewer line easement at the last discussion. As Selectmen's Rep Frederickson pointed out, this Planning Board does not have jurisdiction to resolve the easement issue. The easement is not under the purview of the Special Use Permit. It was suggested that residents start with Code Enforcement.

Terri McCarthy clarified that residents pump out separate sewer lines to four houses on town sewer. There are three private forced mains on a very small area. Vice Chairman Bourque stated that Pembroke Sewer Commission found the utility access hole for the sewer line easements. Sewer Commission determined that the lines run along side of the proposed driveway and are likely 4-5 feet deep. Karen McCarthy stated the proposed driveway subjects our sewer lines to potential damage. The driveway needs to be moved over. My understanding is that the manhole is in the middle of the driveway.

Mark Zydel, 378 3<sup>rd</sup> Range Road, stated that details mentioned in the Technical Review Committee (TRC) minutes are inaccurate. The proposed driveway is seven feet into the easement. Does NH DES comment on MS4 compliance? Will the minutes of the July 26, 2022 meeting be attached to tonight's meeting minutes? Chairman Seaworth stated that public can access both sets of minutes online on the town website. The Planning office organizes case by property and would keep all relevant minutes with the property. Your point is well taken. Mark Zydel asked how to request amendment of TRC minutes that are incorrect. Member Cruson suggested that Mark could refer to "TRC discussion of (particular date) and what information is inaccurate," and bring this to the attention of the Town Planner.

Mark Zydel, 378 3<sup>rd</sup> Range Road, stated my second issue is procedural. In general, if an application is denied that applicant cannot reapply with same materials. Chairman Seaworth stated that the town Planner believed that the application was submitted correctly. She may have consulted with someone to determine this but is not at this meeting to explain. If abutters wish to dispute that this application has not followed procedure, that can be discussed with the Planner. A Special Use Permit appeal process may come back to the Planning Board, but I could be wrong.

Mike McCarthy, 376 3<sup>rd</sup> Range Road, stated that Holden Engineering had no issue with moving sewer lines, or as my wife indicated, providing a privacy buffer for abutters. Chairman Seaworth stated the difference between the two applications is that the Holden Engineering application was for a major subdivision. In this instance, there is no subdivision.

Justin Jesseman, 247 Pembroke Hill Road, stated the major subdivision was for seven lots, and this case is for two house lots. Did any of the Planning Board members visit the site before considering this Special Use Permit Wetland Protection application? In many cases, the Planning Board schedules a group or individual site visit to the property before considering the application.

Michele Zydel, 378 3<sup>rd</sup> Range Road, stated that this lot is heavily wooded. Heavy equipment brought in for tree removal will affect our easement.

Terri McCarthy, 376 3<sup>rd</sup> Range Road, asked if anyone approached the school to discuss driveway access? I was told that the land was all school property but that is not the case.

Beckee Jesseman, 247 Pembroke Hill Road, stated that the impact of the house and driveway on the wetlands is greater than that of the ATV's on the wetlands. There is a herd of eight deer and other wildlife that live in the area and come to my gardens to visit.

Michele Zydel, 378 3<sup>rd</sup> Range Road, asked if Rowe Avenue is on town water. Member Hanson stated that having been in the school department, I can tell you that Hill School put the water line in.

Vice Chairman Bourque asked if the proposed driveway corridor is actually 50 feet in width. The other end is fifty feet, but this section is shorter by ten feet. Pascal Belperron stated the actual boundary markers will confirm the length.

There being no further input Chairman Seaworth closed the public hearing at 7:51 p.m. for tonight. Chairman Seaworth noted that if this application is not completed tonight, the application and its public hearing will be continued to a future meeting and not renoticed.

**MOTION:** Vice Chairman Bourque moved to continue New Business Item #3 to October 25, 2022 to consult with an attorney on the validity of an application being resubmitted with no appeal. Seconded by Member Cruson.

Member Cruson stated this is the careful way to approach this matter. Chairman Seaworth stated I rely on the Planner to consult with whomever she needs to prior to putting an application on our agenda, and I would not be in favor of continuing for that reason. Selectmen's Rep Frederickson stated I am having trouble with the order of things being done. Hearing that the width of the driveway may be inadequate, discussion is occurring at the wrong time. Chairman Seaworth stated we cannot tell an applicant the order of approvals they need to seek for a Special Use Permit. Applicant cannot build a driveway unless it meets DPW requirements. Code Enforcement must issue a building permit for work on the property and construction of a house. This is the risk an applicant takes paying for engineering. An applicant might have a special use permit without having a plan. This application does not apply to a single-family house. It does apply to a wetland crossing. Member Hanson asked is the proposed driveway going over the sewer line easement? The Planning Board could approve the special use permit, and this would still be an issue. Member Hanson stated that Belanger Drive is a private road. The town refused to take it over as a town road. The School Board and Board of Selectmen are not in our purview. Chairman Seaworth stated the public hearing for the Special Use Permit is closed for tonight at this point. Member Hanson stated I agree with continuing Item #3. Member Cruson stated the applicant is requesting a Special Use Permit for a wetland crossing only. I would like to make sure that in our decision we are clear that we are not approving anything else (SUP does not approve construction of a driveway). Chairman Seaworth clarified that the business item is entirely for a wetland crossing to construct a driveway, and the motion is to continue the public hearing and Item #3 to another meeting. Vice Chairman Bourque would like to remove the language pertaining to construction of a driveway. Chairman Seaworth noted that when the Planning Board gets to the point of making a motion on the special use permit, we can make it clear that we are not granting approval for anything else other than a wetland crossing. The Planning Board could add a condition of approval that the special use permit wetlands crossing permit is only valid if all other approvals needed are also obtained. Member Cruson stated she is in favor of continuing Item #3 to another meeting so the Planning Board can consult with the town attorney.

**VOTE:**      B. Seaworth – NO      R. Frederickson- Y      C. Hanson- NO

B. Edmonds - Y  
K. Cruson - Y

R. Bourque – Y

B. Christiansen-Y

**MOTION TO CONTINUE NEW BUSINESS ITEM #3 TO OCTOBER 25, 2022  
MEETING PASSED ON A 5-2 VOTE.**

Chairman Seaworth noted that this vote for continuance concludes Item #3 for tonight's meeting. Because this application was not completed tonight, the application and its public hearing will be continued to a future meeting and not renoticed. Please check the Planning Board agenda on the town website. Please call or email Carolyn Cronin, Town Planner, if you have any questions. Thank you for your attendance.

Any member of the public is welcome to stay and ask a general question at the end of the Planning Board agenda under #6. Audience items. Questions may not be specific to this application.

**Minutes**

August 23, 2022

**MOTION:** Vice Chairman Bourque moved to approve the August 23, 2022 minutes as amended (Member Christiansen was present. Attendance inaccurate). Member Hanson seconded.

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

**MOTION TO APPROVE AUGUST 23, 2022 MINUTES AS AMENDED  
PASSED ON A 7-0 VOTE.**

**Miscellaneous**

1. Correspondence – none
2. Committee Reports – Roads Commission – Chairman Seaworth stated Roads Commission met and discussed issues with Borough Road. Pembroke is working with Town of Chichester on redoing Higgins Road. Most of the 2022 crack sealing is complete. Sherwood Meadows is nearly complete. Board of Selectmen Selectmen's Rep Frederickson reported that a Capital Improvement Program (CIP) presentation was made at the September 21, 2022 meeting. Fifteen million dollars is planned to enable sewer connection to City of Concord. Tri Town Ambulance issues that would arise because of Town of Allenstown trying to leave the alliance were discussed. TRC – Vice Chairman Bourque stated that TRC was held at the beginning of the month. Two cases were heard tonight, and Lindy

Street application will be heard after applicant seeks a variance. Tri Town Ambulance -Vice Chairman Bourque reported that there must be a plan in place by June 2024 for operations in June 2025. Town of Allenstown would have to purchase its own ambulance, be approved for Medicare/Medicaid billing, and have the necessary staffing in place. Allenstown would need two full time fire and two full time EMT's instead of volunteers. Tri Town Ambulance has 24 EMT/paramedic staff so that every ambulance shift has at least one paramedic on duty. An accountant would have to work out the figures for the possessions and equity of Tri Town Ambulance if it were to reorganize or disband. Vice Chairman Bourque stated we are better together than separate.

### 3. Other Business

TRC -Member Cruson noted that we referred to TRC several times tonight. It would be helpful to the audience to sometimes mention it stands for Technical Review Committee and who is on that committee.

Findings of Fact -Chairman Seaworth noted that the Findings of Fact forms from previous meetings were put together by the Planner from her staff notes. She has done an incredible job and the Planning Board has complied with new state law. Member Edmonds asked if there was anything the board needed to review. Chairman Seaworth stated the Chair must sign the findings of fact. The person who made the motion may want to be sure the facts align. Vice Chairman Bourque stated that if the Planning Board denied a case, he would like the board to review it. Member Hanson asked if Planning Board members should receive a copy as a matter of course.

Process to open Range Road – Chairman Seaworth asked the board to consider when to schedule a potential future meeting on development of range road process. Under State RSA 674-41.I.D.(1) the applicant comes to Planning Board for review and comment on plans to open a range road for development. This is an informal discussion, not a public hearing, so a business meeting is not required. Planning Board comments are forwarded to the Board of Selectmen as that is the next step for the applicant. Member Hanson stated this topic is perfect for a workshop meeting date. Member Cruson stated there is a precedent that Town of Pembroke has issued building permits on Class VI roads in the past. Chairman Seaworth noted that process under state law supersedes precedent. Chairman Seaworth will work with the Town Administrator to schedule these meetings in an expedient manner.

### 4. Planner Items – none

5. Board Member Items – Member Hanson reported that the NH Attorney General's office approved a waiver from final audit of PACE. PACE no longer exists and all items for closure are complete. Funds held aside for potential audit (approximately \$6,000) will be returned to the School District.

Staff review -Member Cruson stated that she is continually impressed with the caliber of Carolyn Cronin's work. Having worked with many previous town planners, we as the Planning Board are extremely fortunate to have a Planner who is very intelligent and well informed. Do we have any input to her performance appraisal? Vice Chairman Bourque stated he agrees that Carolyn Cronin does an outstanding job. She gets back to board members and the public timely and is tolerant of all circumstances. Selectmen's Rep Frederickson stated that Carolyn Cronin's information package and planner comments are so organized that it makes it easy for me to review the information provided. Member Cruson said that Carolyn Cronin is excellent at her job and makes us better at ours. Chairman Seaworth stated that all these comments are correct. He will take any opportunity to pass along these commendations on the Planner's work to the appropriate person.

6. Audience Items – none

Chairman Seaworth called a short recess at 8:35 p.m. before the posted non-public session.

### **NON-PUBLIC SESSION**

**MOTION:** Member Hanson moved to go into non-public session under RSA 91-A:2.I.(b) at 8:40 p.m. Vice Chairman Bourque seconded.

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

Motion passed on roll call vote 7-0.

**MOTION:** Member Hanson moved to come out of non-public session under RSA 91-A:2.I.(b) at 9:20 p.m. No actions were taken. Vice Chairman Bourque seconded.

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

Motion passed on roll call vote 7-0.



Chairman Seaworth noted that no action was taken in non-public session.

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

Without objection the meeting was adjourned at 9:20 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary