

**Pembroke Planning Board  
Minutes of Meeting  
Approved August 22, 2017  
July 25, 2017**

**MEMBERS PRESENT:** Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Larry Young, Sr.; Kathy Cruson; Brent Edmonds; Richard Bean; Sandy Goulet, Selectmen's Rep.

**ALTERNATES PRESENT:** Robert Bourque; Kellie Dyjak

**EXCUSED:** Jocelyn Carlucci, Recording Secretary

**STAFF PRESENT:** Stephanie Verdile, Town Planner

Since all members were present, Chairman Topliff called the meeting to order at 6:58 pm.

**Old Business-**

1. **Major Subdivision Application, Subdivision #16-06, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots: 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District, and.** The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner) is proposing a major subdivision that includes: the consolidation/merger of five existing lots of record, totaling approximately 125 acres of land, and re-subdivide the consolidated lots in order to create 110 new residential building lots, connection to municipal water and sewer systems, and the construction of approximately 10,800 linear feet of new roadway. *Continued from April 25, 2017 meeting.*
2. **Special Use Permit Application, SUP-WP #16-308, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots: 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant Patrick R. Colburn, P.E.

of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner), requests a Special Use Permit from Article 143.72. D (2), Wetlands Protection District, which is required for the construction of streets, roads, and other access ways and utility rights-of-way, if essential to the productive use of adjoining land. This permit is associated with the Major Subdivision Plan application. Sub #16-06. *Continued from April 25, 2017 meeting.*

3. **Special Use Permit Application SUP-AC #16-309, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots: 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner), requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for construction roads, utilities, infrastructure, and building lots for a 110-lot subdivision. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with the Major Subdivision Plan. *Continued from April 25, 2017 meeting.*

Present: Attorney John Cronin, Patrick Colburn, Project Manager of Keach-Nordstrom Associates, Paul Chisholm, Design Engineer of Keach-Nordstrom Associates, and Steve Pernaw, Traffic Consultant of Stephan G. Pernaw & Company, Inc.

Ms. Verdile said revised plans were submitted for the alignment. As noted in the staff report, she pointed out that there are items to be discussed regarding subdivision regulations and other issues.

Chairman Topliff reopened the public hearing at 7:04 p.m. He instructed all interested parties who wish to speak to rise and state their name for the record and to address all their comments to the Chairman.

Attorney Cronin said that the applicant made substantial progress. To date, the communication has always been about solving the traffic problem. Attorney Cronin said that they still do not have final drawings prepared for the Board.

Since the last meeting, Mr. Colburn and Mr. Chisholm have approached the abutters on the West side of the intersection of Route 3 and Academy Road. They met with one of the owners and discussed acquiring the property with the intent of fixing the intersection problem.

Attorney Cronin said that the four-way intersection has been designed. There was a meeting with NH DOT, Ms. Verdile and Central NH Regional Planning Commission to discuss the configuration. The consensus was that it was a workable solution to what currently exists.

Attorney Cronin said that they received a letter from the Town's engineer, K. V. Partners, LLC, with comments such as the height of the islands, the crosswalks, etc. which are all doable. All will be incorporated in the final drawings.

The Applicant would like the Board's feedback and the stamp of approval for the design of the intersection. Attorney Cronin said that they also ask that the Board consider discussing and granting two of the requested variances which are (1) to provide sidewalks on one side of the street which is consistent with the staff recommendation; and (2) the superelevation of the road. He said that if the Board looked favorably on the project, Mr. Colburn would prepare a full set of plans incorporating all the changes. They would then bring a set of plans to the Town and would be on the path to approval.

Alternate Member Dyjak asked if the Applicant was removing the abutter's current access to Route 3 and giving them a driveway on the other side of their property.

P. Colburn said no. The Applicant does not have the ability to take away their access. It is an access that they have enjoyed for many years. What the applicant proposes is to offer them the opportunity to have access off the side street. He said that the existing driveway is in the middle of the existing signalized intersection and, because of the rework they would have access to a Town right-of-way which they do not currently have.

Alternate Member Dyjak asked if the Applicant had spoken to the property owner about that access. Mr. Colburn said no, they had not. He said that the plan before the Board was conceptual and they did not feel that it was pertinent to discuss that until they were sure of the direction that the applicant was headed.

Member Bean said that he was pleased that the Applicant returned with a more doable plan. He noted that the sidewalk on the Academy Road side of Dan Clark's business was very narrow. He asked if it remained that way on the plan. Mr. Colburn said yes.

Alternate Member Dyjak said she hoped the abutting property would stop using the existing driveway and use the other side of the property for safety's sake.

Member Young said he is glad to see the plan has been improved.

Alternate Member Bourque said the new plan is a big improvement.

Selectmen's Rep. Goulet agreed. She said she thought the new plan would work.

Vice Chairman Seaworth agreed.

Member Edmonds said the plan was a step in the right direction. He directed his comment to Mr. Colburn. He said that in Mr. Colburn's narrative, he proposed eliminating superelevated areas of the roadway and asked what he felt the average speed would be though the proposed neighborhood.

Mr. Colburn said that the speed limit in Pembroke (unless posted otherwise) is 30 mph. Since this would become a local road, 30 mph would be the speed limit. He also said that when they met with the Technical Review Committee (TRC), and then spoke with the Town engineer, Mr. Colburn said that the superelevated curves lead to higher speeds. Having the crown section helps reduce the speed. To further clarify, he said that if someone drove around a horizontal curb and it was super elevated, that would mean that the road was banked in the direction of the curve which would lead to higher speeds.

Member Edmonds asked if Mr. Colburn felt that they could eliminate super-elevation and still maintain sufficient cross flow for drainage. Mr. Colburn said “absolutely and that’s exactly what the design shows – a normal crown section.” He said that the Town’s standard is 2.5% for normal crown which means that from center line the road is pitched in both directions throughout the development.

Member Edmonds asked if the sidewalks remained on one side only, would there be sufficient curbing on the other side. Mr. Colburn said yes and that curbs are proposed on both sides.

Member Cruson said that she also had questions about banking of the roads because she did not see anything from Keach-Nordstrom evaluating the proposed plan. She said that she still has questions, but understands what Mr. Colburn is telling the Board.

Chairman Topliff asked Ms. Verdile if she spoke with Mr. Vignale. Ms. Verdile said no. Ms. Verdile said that she spoke with Mr. Colburn and was not able to speak with Mr. Vignale today for clarification. She reviewed past minutes and notes from TRC and did not find specific comments from the Town’s engineer regarding the super-elevated curving. Mr. Vignale did comment on the waiver request for the sidewalk. Ms. Verdile said that she and Mr. Vignale are comfortable with that. At this point, until Ms. Verdile can speak with Mr. Vignale, she would recommend that the Board wait on the super-elevated waiver request. She also said that if the Board feels comfortable with the sidewalk information, the Board could take care of that tonight.

Chairman Topliff said that he is also pleased with the proposed intersection alignment. He asked if the new plan with the proposed intersection had been reviewed by TRC. Ms. Verdile said no. Chairman Topliff said that that would be his suggestion. He said that the other town officials, such as the Fire Chief and other department heads had concerns about access to Route 3, therefore he proposed that the Board direct the Applicant to do so. The next TRC meeting is August 2, 2017. She would send TRC the letter and the 11 x 17 plans for that meeting.

Alternate Member Bourque asked if Ms. Verdile would have the Town’s Engineer’s comments on the super-elevated by then. Ms. Verdile said that

she would contact Mr. Vignale the next day. Member Bourque said that he would like to see Mr. Vignale's comments on the super-elevated issue given to the Applicant prior to going to TRC so they can be addressed.

Vice Chairman Seaworth suggested that Ms. Verdile ask the Roads Committee, which meets next Tuesday, to comment on the concept and on the super-elevated curve issue. If Mr. Vignale has design comments before next Tuesday he would like to see those comments get to Chris for distribution to the Roads Committee prior to their meeting.

Chairman Topliff asked that the public focus their questions, at this time, to the proposed Pembroke Street (Rt. 3) access.

Cindy Thorell, Littlefield Condominiums, said that although the proposed plan is a better solution, it will make it more difficult for vehicles and people to cross Pembroke Street from Littlefield Condominium. There is no crosswalk. She said that many people cross the road to walk their dogs along Church Road.

Chairman Topliff said that they were valid concerns but given that they are not related to this particular project, it would be difficult for the Board to impose additional improvements of that nature at this time. He said that the Town may want to look at it.

Nancy Mozier, 276 Pembroke Street, asked what would happen to her house and around her house.

Chairman Topliff asked if she had a chance to see the drawings.

Ms. Auger said she does not understand them. She said she does not want to lose her house.

Chairman Topliff said the bottom line is that the Board has no authority nor does the Applicant, to affect anyone's personal property without their approval. Mr. Colburn showed Ms. Mozier where her house was on the plan and said that the direction that they are proposing to head is to acquire the three-family property and to run the proposed Ashwood Lane in and out from Academy Road on the abutting three-family property at the same angle that Academy Road is presently running.

Ms. Mozier said it does not look like it will affect her property. Mr. Colburn said that since she will have frontage on Ashwood Lane, they are offering her the ability to have a driveway access onto Ashwood Lane and benefit from the signal. The lights will be reconfigured to accommodate the four-way intersection.

Chairman Topliff asked what the Applicant's expectation is to pay for all this.

P. Colburn said that they have been focusing on the solution and are not prepared to comment on that tonight. He said that he has not spoken with Mr. Meissner about that issue.

**KV Partners' letter dated July 13, 2017:**

With regard to KV Partners' letter dated July 13, 2017, Chairman Topliff asked the Applicant if there was anything in that letter that proposed any issues.

Mr. Colburn said the approach coming out from Academy Road is very much as exists today. They merely restriped what was there and took the designated left turn and made it a left and straight through turn. He said that those were achievable goals.

**CNHRPC's letter dated July 19, 2017:**

Chairman Topliff referred to paragraph 2, subparagraph a.

a. The prior traffic study indicates that the project will be a minor contributor to the failure of the intersections on Route 3 in ten years. Additional improvements will be needed to the intersections at Academy Road and Broadway within 10 years. Given that, the Planning Board should reserve the right to ask for updated traffic studies following the completion of later construction phases with the possibility of asking for exactions for any off-site improvements that may be necessary at the time.

Chairman Topliff said that it is helpful to recognize that these are strictly opinions of CNHRPC and not anything that is set in stone. He said that he would like to hear comments from the Board about the Planning Board's right to ask for updated traffic studies in the future when later phases have been completed and future off-site improvements that may be necessary. He asked if the Board felt that it was appropriate.

Member Cruson said that she felt that it was very appropriate because the Board is not sure of the type of housing, how many residences, along with other details. She said that it would make sense to reevaluate the project and to look at the traffic that is being generated along with what type of impact that it has made.

Member Young agreed. He said that it will change the traffic flow and it makes sense to come back with a traffic study at a later date.

Chairman Topliff said that with regard to a condition of approval, a traffic study is easily quantifiable but he struggled with the unknown of exaction for future off-site improvements given that, at this point, the Board had no idea what that could be or what the cost might be. He said that he did not know if there was anything in the zoning ordinance that enabled the Board to do this in the future. The traffic study is approximately \$2,000 but going beyond that may be difficult. He also said that he did not know if they could legally do that.

Alternate Member Bouque asked if the Town Engineer could look at this and get an idea of what kind of problems may arise at Broadway or Pembroke Street.

Ms. Verdile said she thought that since annual traffic counts are done with CNHRPC, perhaps they could help incorporate that information that the Board could address at the appropriate time. She recalled that with the Clean Energy project, the Board required that once they reached a certain point in the truck traffic that they would return to the Board because of intersection concerns at Cooperative Way. She said that although she does not know how it will all play out, they have done future traffic counts and it could be "tinkered with."



Vice Chairman Seaworth said that he agreed with what was said but he is also concerned about the legality of it all. He said that when the Applicant's engineer and CNHRPC looked at it, they said that they expected it to be a minor contributor to future problems. To then assume that, despite the findings, it will still be a problem, determining how it will be paid for would cause an additional problem.

Chairman Topliff clarified for the public that when a traffic engineer speaks of a "road being in failure" what they means is wait times and how many cycles of the light does one have to wait to get through an intersection. It is not that traffic stops and nobody moves, it all comes down to traffic light wait times. In his opinion, failure is a harsh word.

Chairman Topliff asked Ms. Verdile to speak with CNHRPC to see what some of the actions might be with regard to traffic counts and see if they could expand on this.

Member Cruson asked if the plan returned to TRC, could the Board ask for TRC's opinion on how it would impact the Safety Center such as fire engines, police cars, and what impact the traffic will have on emergency response time. Chairman Topliff agreed.

Member Bean asked how far out the project had been projected given the phasing of 25 homes at a time. Mr. Colburn said that, subject to market demand, they project at least 10 years.

### **CNHRPC letter dated November 21, 2016**

Chairman Topliff then referred to Page 2 – Aquifer/Water Resources. He said that CNHRPC offered some significant items for consideration relative to runoff from the yards and roads and potential impact on the Merrimack River.

Chairman Topliff asked the Applicant if they would expect that these things would be considered and calculated as part of their final plan.

Mr. Colburn said that when they submitted formally, they included a complete design of closed and open drainage systems that would accommodate all surface runoff from the development. They are large above-ground ponds situated downslope of the Tennessee Gas Easement. The details have not

been discussed, but have been reviewed by KV Partners and NH DES Alteration of Terrain Program. The Applicant has yet to reply to their comments.

Member Cruson asked if Lot 23 was proposed as a house lot. Mr. Colburn said yes, as well as all the back land that includes the Tennessee Gas Easement and the land between the easement and Eversource property down by the river.

Member Cruson said that according to CNHRPC, "Lot 23 could be subject to erosion due to its 25%+ plus steep slopes, perpendicular intermittent streams." Mr. Colburn said that the land that they are referring to with the steep slopes is all the land downslope of the gas easement. The house lot sits up on the road and looks very much like the other house lots that front on the road. Lot 23 is 65 acres as opposed to the others that are half-acre lots.

Member Cruson then said that the house lot would be required to be above the gas easement. Mr. Colburn said yes and that the only development proposed on the other side of the gas easement is for utility connections and stormwater improvements, so that the steep slopes are left alone.

Alternate Member Bourque asked if Lot 23 would give Tennessee Gas an easement to get to their pipe line from Ashwood Lane. Mr. Colburn said yes, at two locations. Looking at the overview plan, Mr. Colburn pointed out a 40-60 ft. right-of-way from Ashwood Lane to the Tennessee Gas Line area, which he said was also access for maintenance of the stormwater improvements. The second location is over by either Lot 21 or Lot 23 which gives similar access because there is a gravel access road that follows the proposed sewer main extension. The sewer main extension runs diagonally across and comes down because the Town has the sewer main easement down along the westerly part of the property. Tennessee Gas would have two accesses which is better than they have today.

Cindy Thorell (Littlefield Condominium) said that based on the CNHRPC November 21, 2016 letter, the South Browning Court portion of Littlefield Condominium sits below the drainage area as well. The proposed drainage pond on one side of the Tennessee Gas Line easement is sitting above the South Browning Court portion of the Condominiums. She would like a site visit to see the Condominiums that are in that location, the slope, and where

the detention pond would be located because she was concerned about the amount of drainage that may come down through that area. She anticipates that, because of the slope, the drainage would go directly into the Condominiums.

Chairman Topliff said the last time that this was discussed; the engineer indicated that the drainage would be designed in such a way to allow the drainage to flow away from the South Browning Court property entirely and stay on the Applicant's land.

Ms. Thorell said the development is not far from the Condominiums which makes it quite concerning and she would truly like to have a site visit in that area so that the Planning Board could see the amount of space in between the homes and the Condominiums. The homes will sit above the South Browning Court homes.

Mr. Colburn said the design plan that was submitted is dated September 1, 2016. This is a fully vetted design. They received review comments in response to the design. Although he has yet to address the review comments, but the design meets local and state requirements. There were a few comments from the Town Engineer that would affect the September 1, 2016 plan but the idea of having the above-ground infiltration pond is the direction that they need to go because infiltration is key. In order to help address the concern, Mr. Colburn pointed out the Grading, Drainage and Erosion Control Plan, Sheet 36, and the condominium "cliff lots" that Ms. Thorell mentioned, which, on the plan is separated from the proposed pond by "the ravine". Mr. Colburn said that he would be happy to have a site walk in that area because the area is significant. He said that the Condominiums, as they compare to the proposed land, are separated by a "significant ravine" and, therefore, their drainage could not impact the Condominiums. It is clearly visible on the topography on Sheet 36.

Alternate Member Bourque asked what the difference was in elevation. Mr. Colburn said that the elevation of the proposed pond is 344 feet. Following the 344 feet contour, the Condominiums are also at 344 feet. The covered car port across from the Condominiums is at the approximate elevation of 344 feet, which is similar, except that it is separated by a ravine. The ravine is 14 ft. deep.

The ravine adjacent to the covered car port is at approximately 328 feet all the contour levels are on Sheet 36.

Chairman Topliff said that a site walk has not been scheduled because they were primarily focusing on the intersection first but a site walk is certainly an option.

Ms. Thorell addressed the lots consisting of Lot 9 which are directly above the Condominiums and pointed out that the drainage of the street is above the Condominiums. Mr. Colburn said that she must remember that the design of the street is to have closed drainage so that the surface water runoff is captured in the catch basins and piped to the above-ground drainage area. There is a diversion swale that prevents any runoff from the back yards of Lots 9 and 10 from being directed. He pointed out that even the back yards of Lot 9 and 10 are being picked up and directed to the above-ground pond which is to the left of the ravine. Ms. Thorell said that the ravine is to the left of the Condominiums and the garages and the swale pond on the plan is to the left of that which is above the Condominiums. She continued to say that the ravine runs to the right side of the Condominiums toward the corner of what is currently a field.

Chairman Topliff said that most of the members of the Board are not engineers in terms of designing drainage and so he asked Ms. Verdile to take Ms. Thorell's concerns to the Town Engineer, which the Planning Board relies on to review the plans and provide guidance to the Board. Ms. Verdile said that she would do so with a focus on Lots 8, 9 and 10.

Referring to Page 3, Sewer System, of the November 21, 2016 CNHRPC letter, Mr. Colburn said that Paulette Malo of the Sewer Department, in an April e-mail, informed them that the sewer pipe is an AC pipe and is in good shape.

Chairman Topliff said that given the sewer issues between Pembroke and Allenstown, the Pembroke Sewer Commission has indicated that there is adequate capacity but he said that CNHRPC's point is well taken. It was advised that the Planning Department reach out to the Allenstown Sewer Commission in order to make sure that they are in agreement.

Ms. Verdile said that she is aware that the capacity is in litigation.

Chairman Topliff said that the Board would need the Allenstown Sewer Commission's input because the Board would not want to approve the project only to discover that they can only put in half the homes because there is limited sewer capacity.

### **CNHRPC's letter dated November 1, 2016**

With regard to CNHRPC's letter dated November 1, 2016, Vice Chairman Seaworth commented that, in the past, the Town has had concerns about drainage that consists of swales or ditches on property owners' lots that are inaccessible to the Town where the property owners do not maintain them which causes the swales to not function properly. Many property owners look at the swales in their yards as needing to be filled in to increase their yards. Vice Chairman Seaworth said that the Town is apt to agree on not relying on the property owner to maintain the swales and ditches.

Ms. Thorell (Littlefield Condominium) asked what would happen if the swales were not maintained.

Chairman Topliff said that if an easement was granted to the Town for the drainage retention areas then the Town would have the legal right to go in and maintain them.

On Page 2 of 2, No. 6, Chairman Topliff referred to the "Maintenance and enforcement of the 40' no cut restrictions on the north side of the lot for proposed Lots 2, 3 & 8" which was intended to provide screening for the Littlefield Condominium area. He said that the Board should be attentive to this as the project goes forward.

No. 7 - Chairman Topliff asked if anyone had concerns with regard to "Proposed street trees will conflict with proposed underground utilities." Mr. Colburn said that they have not refined that yet. They discussed giving the town Landscape Easements so they could extend the right-of-way out to accommodate the street trees. They have not decided if they could move the underground utilities to avoid conflict and serve the same purpose.

No. 10 – Impact Fee and Analysis. Ms. Verdile said that a report from Mark Fougere was submitted a while ago. Ms. Verdile said she is not sure whether

the Town has the capability to get into any kind of impacts based on our current situations (school, public services, equipment, roads, maintenance, garbage, recycling, plowing, sidewalks). She was unfamiliar with any of the Town services that were discussed such as the library. The Town has a history of having impact fees to make improvements (library) but it is a complicated process and she did not think that the Town was at the threshold to pursue it.

Chairman Topliff said that, in summary, impact fees can be required if the community can demonstrate that the development will result in a significant cost to the community for more firefighters, police, plow trucks, etc. He thought that there was a ten-year timeframe that funds must be spent for the purpose intended. Typically the community bears a significant percentage of the cost and if it is not funded through the Town budget and/or the improvement is never completed, the Town is obligated to return the money. He said that given the last ten years and the lack of growth in Pembroke and whereas the student population has continued to decline, it would be hard for the Board to justify impact fees.

Member Young said when the Donna Drive development was built, they had an impact fee for land that could be used for recreation. It seemed to be a natural fit that houses with young families would increase the need for recreation fields that the Town lacked.

Member Bean proposed asking the developer that, as they are phased in, if they could see where space could be carved out for “pocket parks” to take care of recreation i.e. a small playground or softball field and turn that land over to the Town Recreation Department. Member Bean added that, on a marketing standpoint, it could be influential to the area to have a small “pocket park”.

Vice Chairman Seaworth said that it appeared that, in the past, the bulk of the impact fees were based on the average cost of students and since the student population is down, he recalled Clifford Hanson saying that the proposed development would not have a significant impact on the schools. He asked if a more detailed analysis would be appropriate.

Member Cruson said in terms of the school, yes, but in terms of roads or other town services, it is a completely different scenario.

Chairman Topliff said that impact fees would be worth discussing at TRC.

Ms. Verdile said the Board could request that studies be performed and have the cost borne by the Applicant even though they may have already submitted one. She said that a study of the impact to Town services may be appropriate. It is also within the regulations to be done by a firm of the Town's choice to counter what has already been submitted by the Applicant.

Member Cruson said that she was concerned about the impact to the Safety Center and emergency vehicles response time. She said that she would like to hold that in reserve dependent upon what TRC said.

**KV Partners LLC letter dated October 18, 2016:**

Mr. Colburn said that he had not responded to the comments.

**E-mail from Sewer Commission dated November 2, 2016:**

Chairman Topliff read aloud:

“At the last 2 sewer commission meeting (Oct 17 and Nov 21) the commissioners are talking about and looking at having the plans for any sub-division that will be adding any sewer infrastructure to the Town's system will need to go through a third party review prior to submitting to DES for any approvals.”

He asked if it was still an issue.

Mr. Colburn said that he spoke with Ms. Malo and asked when to get the third-party review. She responded that their practice was that after the Planning Board grants conditional approval, she initiates the third-party review of the sewer. She was concerned that at this early stage, things could change and, as a result, the third-party review may need to be redone i. e. if a lot line was moved and that action led to a change of the location of a sewer manhole. He said that Ms. Malo would like a set of plans conditionally approved by the Planning Board to be reviewed by her consultant.

Chairman Topliff then opened up the meeting to any other comments from the Board or public.

Alternate Member Dyjak noticed that there was just one crosswalk South of the intersection. She asked if the Applicant had considered also placing a crosswalk in a different location to allow access down further from where the Applicant is bringing the road in.

Mr. Colburn said that there are no sidewalks on the West side of Route 3.

Chairman Topliff asked about a crosswalk across Ashwood Lane for those coming North of Ashwood Lane even though there are no sidewalks.

Vice Chairman Seaworth said that there may be legal problems associated with placing a crosswalk where there is no sidewalk. Because there is no sidewalk on the West side of Pembroke Street, there could not be a crosswalk placed across Ashwood Lane.

Alternate Member Dyjak said that the Board may want to consider using impact fees to place a sidewalk in a location to accommodate walkers going to and from the schools.

Chairman Topliff said that the Board would have to ask the Applicant to work with NH DOT to explore the appropriate ways in which to better accommodate students getting to and from the schools and Littlefield Condominiums.

Alternate Member Dyjak said that she was concerned because there is only one crosswalk. If a person is on the North coming South, he would have to get through the intersection and there is no other crosswalk available.

Mr. Colburn said that they would be happy to look at it, but he said that it is important to focus on what is necessitated and created by the development. With regard to the overall impact fee scheme, assuming that Mr. Meissner purchases the three-family house and pays for the entire improvement in the road along with other situations, it would add that excess over their fair share be service credit to their impact fee. He said that it is probably not an appropriate conversation at this time.



Mr. Colburn said that he recalled a situation where a Town accelerated their CIP to build a sidewalk in order to accommodate a crosswalk.

The Board scheduled a site walk at 6:00 p.m. on Tuesday, August 22, 2017 and invited members of the public to join them.

With regard to the waivers, Chairman Topliff pointed out that the consensus of the Board was that two sidewalks are unnecessary, but with regard to the super-elevated curves, there has been discussion about taking the issue back to TRC and to the Roads Committee.

Member Cruson asked if it would be smart to have two sidewalks on Ashwood Lane just approaching Pembroke Street so that the kids would have somewhere to stand.

Chairman Topliff said that he thought that the sidewalks would have to connect down Ashwood Lane but would not know how it would work.

Selectman's Rep. Goulet said that the Board is assuming that Ashwood Lane will be very busy. She reminded the Board that some of the traffic will be coming out of the Broadway exit. She also said that before the Board jumps to conclusions, they should consider that there may be a traffic study and a roads study. She assured them that the Board of Selectmen would certainly look into it.

Member Cruson said that she would not want to waive the sidewalks for that location.

Member Young said that the sooner that they begin funneling the kids to one side of the road, the easier it would be to manipulate traffic and foot traffic. If the kids are on both sides of the road, the drivers on Ashwood Lane would have more to worry about. It would be safer for the drivers to only be concerned with kids on one side of the road.

Member Cruson said that at the gas station, vehicles are driving in and out over the sidewalk, therefore, in her opinion, the Pembroke Street sidewalk on the East side would not be very safe for kids to walk on. She said that the problem is at 7:30 a.m. She was not sure if the Board would want to reserve the right to have two sidewalks in part of the area.

Chairman Topliff said that he did not feel qualified to address that. The Town Engineer has indicated that one sidewalk is adequate and Chairman Topliff assumed that he decided that the traffic volume and speed is safely within limits that folks could cross Ashwood Lane in the development from the side where there is no sidewalk to the side where there is a sidewalk without needing a sidewalk on each side of the street.

Vice Chairman Seaworth said that this topic was discussed at length for the Broadway project. The Roads Committee made a deliberate effort to place the sidewalks all on one side. It's a larger maintenance issue and sidewalks are always maintained after the roads.

Member Edmonds said that, as someone who has lived on the Pembroke Street/Academy Road intersection, it is a very busy place. When the kids get out of school, they very rarely walk on the West side of Pembroke Street. The majority stay on the East side. His point was that, in the entire time that he has occupied this neighborhood, he has very rarely seen a pedestrian injured or been hit by a car. The traffic, especially at peak times which are when students are going in and out of school, moves very slowly and very cautiously. It is possible that a non-local person who is not familiar with the area pattern but 90% of the traffic in that area is local traffic and they know that the kids occupy that area. Everyone is very vigilant. Member Edmonds said that that is not to say that there is no need for crosswalks or sidewalks at some point in time, but, as the current configuration sits right now, it is a very safe intersection for pedestrians just by virtue of the people who are knowledgeable and using it.

When asked where he lived, Member Edmonds confirmed that his family owned the gas station for years and lived on Academy Road, one house from the station all his life. He said that no one should be walking along the West side of Pembroke Street because the sidewalk is on the East side and parents should encourage their children to walk on the sidewalk.

When Ms. Thorell mentioned that pedestrians cannot get to the sidewalk without crossing Pembroke Street, Member Edmonds said that every child is taught to safely cross the road at 6 years old. They should be able to do so with caution and should maintain that common sense.

With regard to the super-elevation, Member Edmonds said that the engineer's response was very adequate. Super-elevations usually come into play at higher road speeds and higher design speeds. The opinion that super-elevation be eliminated from the project in order to result in a traffic-calming feature is very acceptable and he would support that.

Vice Chairman Seaworth said that he has never discussed with the Roads Committee why this is in the ordinance. He would support waiting to address the waiver once TRC and the Roads Committee have had the time to review it. Perhaps at that time, we would discover why it was placed in the Town's ordinance.

Alternate Member Bourque said that he would not be comfortable granting a waiver for a super-elevated curve at this time.

There being no further questions or comments from the Board or the public, Chairman Topliff closed the public hearing at 8:34 p.m. The public hearing will be continued. Members of the public will not be renoticed, therefore, they were encouraged to monitor the Town website and other places where the Planning Board agenda is posted in order to be aware of future meetings pertaining to this application. There will be a site walk on Tuesday, August 22, 2017 that will constitute a Planning Board meeting and it will also be open to a public hearing. Everyone is welcome to come and ask questions.

Selectman's Rep. Sandy Goulet said that she felt that the "theme" of the Town was to have sidewalks on just one side and, therefore, this project should continue with that "theme."

**MOTION:** Selectman's Rep. Sandy Goulet moved to grant the waiver request for the single sidewalk. Seconded by Member Young.

Vice Chairman Seaworth commented that he did not think that granting the waiver would preclude future consideration for double sidewalks at the discussed intersection. He said that improving the intersection may require a double sidewalk in that location. In his opinion, the waiver gives the Applicant the opportunity to have one sidewalk in the residential portion of the project and to continue discussions with the Board about the intersection.

Chairman Topliff said that the cleaner way to do this would be to offer an amendment to the Motion that would provide for the Board to not require two sidewalks on the subdivision streets if the Board deemed it appropriate.

Selectman's Rep. Sandy Goulet said that she did not think that that was necessary.

Member Young said that he thought it was unsafe to have pedestrians crossing both sides of the road. The sidewalks should be only on one side of the road.

Chairman Topliff reiterated that the motion that was seconded was made to grant single sidewalks on subdivision streets.

Ms. Verdile asked that the motion be made listing the appropriate Subdivision Regulations.

**MOTION:** Selectman's Rep. Goulet moved to grant the waiver request from the Town Of Pembroke Subdivision Regulations, Article VI Street Design Standards, 205-39. Design Standards. E 19.a. Seconded by Member Young.

Member Cruson said that because she crosses that road frequently, she is going to suggest that somewhere that the crosswalk be pulled further away from Pembroke Street (further down Academy Road, even 50-80 ft.) because it is difficult to cross Pembroke Street and people turn right without stopping.

<b>VOTE:</b>	B. Seaworth – Y	A. Topliff – Y	K. Cruson – Y
	R. Bean – Y	L. Young – Y	B. Edmonds – Y
	S. Goulet - Y		

**MOTION TO GRANT THE WAIVER REQUEST FROM THE TOWN OF PEMBROKE SUBDIVISION REGULATIONS, ARTICLE VI STREET DESIGN STANDARDS, 205-39. DESIGN STANDARDS. E 19.A. PASSED ON A 7-0 VOTE.**

Chairman Topliff asked if the Board would like to consider the superelevation waiver once TRC and the Roads Committee has reviewed it.

**MOTION:** Selectman's Rep. Goulet moved to grant the waiver requests from the Town Of Pembroke Subdivision Regulations, Article VI, 205-3 205-41 Design Standards, E 3. Seconded by Member Young.

Vice Chairman Seaworth said that he would prefer tabling the motion pending further information from those parties previously discussed.

**MOTION:** Vice Chairman Seaworth moved to table consideration of the waiver pertaining to superelevation pending more information. Seconded by Member Cruson.

<b>VOTE:</b>	B. Seaworth – Y	A. Topliff – Y	K. Cruson – Y
	R. Bean – N	L. Young – N	B. Edmonds – N
	S. Goulet - N		

**MOTION TO TABLE CONSIDERATION OF THE WAIVER PERTAINING TO SUPERELEVATION PENDING MORE INFORMATION DID NOT PASS ON A 4-3 VOTE.**

Chairman Topliff said that now that the motion to table has been defeated, the Board must vote on the original motion to grant the superelevation waiver request.

<b>VOTE:</b>	B. Seaworth – N	A. Topliff – Y	K. Cruson – N
	R. Bean – Y	L. Young – Y	B. Edmonds – Y
	S. Goulet - Y		

**MOTION TO GRANT THE WAIVER REQUESTS FROM THE TOWN OF PEMBROKE SUBDIVISION REGULATIONS, ARTICLE VI, 205-3 205-41 DESIGN STANDARDS, E 3 PASSED ON A 5-2 VOTE.**

Ms. Verdile stated that the application does not have to go to TRC or Town Engineer review regarding superelevation curves.

Mr. Colburn asked Chairman Topliff about the next step. Chairman Topliff said that on August 22, 2017, the Board will return to Town Hall following the site walk to continue the public hearing and consideration of the application.

**MOTION: VICE CHAIRMAN SEAWORTH MOVED TO CONSIDER CONTINUATION OF AGENDA ITEMS 1, 2, AND 3 TO AUGUST 22, 2017 AT 6:00 P.M. FOR A SITE WALK ON THE PROPERTY. SECONDED BY CHAIRMAN TOPLIFF. UNANIMOUSLY APPROVED.**

The Board will gather at the Pembroke Academy sign on August 22, 2017 at 6:00 p.m. in preparation for the site walk.

Vice Chairman Seaworth clarified that the reason he made the motion to table was because he was concerned that, having been on the Roads Committee for years, and not knowing why or how the superelevation requirement came about, he thought that the Board might consider that if there is an ordinance that runs counter to best practices or what the Board would like the town's roads to look like, the Board should correct it as an ordinance rather than dealing with it as a waiver request.

Member Edmonds said that superelevated roadways are a standard part of the AASHTO Design Specifications and are included in the State level and most Town regulations. They only come to play at higher speeds (roadways at 40-60 mph). For roadways at 30-35 mph, it is more of an unnecessary expense. It does not solve anything and creates an issue with drainage patterns. If you eliminate them, they revert back to a traffic-calming situation by using a standard 2% crossslope rather than the banked curves. Member Edmonds said that he normally would not argue against them but in this particular application, they did not serve any valid purpose.

Chairman Topliff asked if anyone opposed Ms. Verdile taking the issue to Town Engineer, TRC, and the Roads Committee for general conversation. No one opposed.

Member Cruson said that perhaps the reason why that this was in there was because Floyd Smith was Chairman of the Roads Committee and was a Federal Highway Engineer. She thought that he might have extrapolated the language from the State highway systems.

Member Bourque suggested that the Planning Board consider eliminating the ordinance that requires sidewalks on both sides of roads. The Board agreed.

Ms. Verdile will place both items on the next agenda.

Member Bourque said that he has problems with the town mandating sidewalks that they do not maintain, especially in the wintertime.

The meeting recessed at 9:00 p.m.

The meeting continued at 9:05 p.m.

**Minutes-** June 27, 2017.

**MOTION: Alternate Member Dyjak moved to accept the minutes of June 27, 2017 as amended. Seconded by Member Young. Approved with one abstention –Member Bean.**

Alternate Member Dyjak said that the Master Plan Steering Committee had a situation where there was a quorum present but only two of the quorum members were at the meeting that was being approved. The Committee came up with a way to approve the minutes, but she asked what Chairman Topliff thought should have been done given the situation.

Alternate Member Dyjak said that the committee decided that, as long as there was a quorum and at least half of the quorum was at the meeting, they approved the minutes. Chairman Topliff said that that was appropriate.

**Miscellaneous**

**1. Correspondence-**

Ms. Verdile said she had a visit from a representative of the Small Business Association (SBA) talking about economic grants and opportunities available through SBA loans. He said that he was very interested in the Master Plan and current or future projects and would be willing to come in and meet with the Town with a focus on the Village.

**2. Committee Reports-**

**Master Plan Steering Committee:** Alternate Member Dyjak said that the Committee is in final stages of approving the survey. They have a final meeting on August 15, 2017 with the survey available on August 18, 2017.

CIP: Member Young reported that CIP has set a meeting date in August at the Safety Center.

Tri-Town Ambulance: Member Bourque said that since there was interest, he reviewed the Director's report for May and June 2017. He said that in May 2017 Tri-Town Ambulance performed 112 runs. 41 of the 112 were Allenstown's, 60 were Pembroke's and 11 were others that the Town supports. In June 2017, Tri-Town Ambulance did 129 runs. 39 of the 129 were Allenstown's, 77 were Pembroke's and 13 in other towns. Alternate Member Bourque said that they established a report to CIP for an account for new medical and ambulance equipment.

### 3. Planner Items-

Ms. Verdile recalled that a few weeks ago, the Board had a few releases for Clean Energy. Clean Energy sold to NG Advantage. NG Advantage will get her a few quotes to replace a few trees along the northern border. Clean Energy is now cleared and their escrow can be returned to them.

**MOTION:** Selectman's Rep. Goulet moved to release the escrow to NG Advantage. Seconded by Member Young. Unanimously approved.

**MOTION:** Member Young moved to release the Site Restoration Bond to the NH Liquor Store. Seconded by Member Edmonds. Unanimously approved.

### 4. Board Member Items-

Member Cruson asked if the landscaping regulations should be reviewed.

Ms. Verdile said yes. She also said that they are in the site plan and subdivision regulations and are very vague. She will place it on the list of things to review.

Alternate Member Bourque said that almost a year ago he suggested that a dollar amount be associated with the additional cost to Town services whenever a new home or road is built. He said that this would be the base line which could probably be used to attach to a new development.



Selectmen's Rep. Goulet said that she would not use a dollar value. She would rather see a percentage value.

Chairman Topliff said that the board would have to review the impact fee ordinance. He thought that it was limited to expenditures to improvements to Town services such as adding on staff, schools, services, etc. He did not think that the RSA allowed for impact fees to be added because the tax base would increase because it would cost more to plow or trash pickup.

Vice Chairman Seaworth said that it would probably prohibit it. He explained that everyone pays taxes on their homes and, as the cost of constructing a new houses increases, all share it equally. Impact fees cannot be charged because the Town has more roads to plow. The only way that impact fees can come into play is when there is a specific new cost that has been caused by the new development.

Alternate Member Dyjak did not agree.

Vice Chairman Seaworth said that if the Town waited for a developer to come to Town and the Board said that they were thinking of impact fees and after discussing it with them levied one, the applicant could probably get it thrown out of court. He said that it would have to be a policy that was developed ahead of time.

Alternate Member Dyjak said that she is talking about establishing a policy on impact fees that could be used the next time a developer came to Town.

Selectman's Rep. Goulet pointed out that new homes that are built in Town are paying taxes which pay for any additional services.

Ms. Verdile said the Town has to be "in trouble" in order to require impact fees for additional schools, services, police and fire and, more importantly, have to prove it. It is not only for subdivisions. Impact fees affect everything such as a decks, roofs, or new homes.

Ms. Verdile said that the money must also be tracked and returned if not used, according to law. She said that it could be quite complicated.

In contrast to impact fees, Vice Chairman Seaworth said that what is often done is to ask a developer to make off-site improvements.

Chairman Topliff said that the bottom line is that the Board can only do what the State RSAs say can be done. RSA 674:21, paragraph 5 (page 387-390) should be reviewed by Board members.

Mr. Bean said that he would review exactions and how it differs from impact fees.

The consensus of the Board was to not have a meeting on August 8, 2017.

**MOTION:** Member Bean moved to adjourn the meeting. Seconded by Selectmen's Rep. Goulet. Unanimously approved.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,  
Jocelyn Carlucci, Recording Secretary