

**Pembroke Planning Board
Minutes of Meeting
(ADOPTED)
August 22, 2017**

MEMBERS PRESENT: 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: Alan Topliff, Chairman

STAFF PRESENT: Stephanie Verdile, Town Planner; Susan Gifford, Recording Secretary

Vice Chairman Seaworth called the meeting to order at 7:09 p.m. He apologized to attendees for the delay in the start of the meeting. The Planning Board had a site walk scheduled at 6:00 p.m. tonight at 282 Pembroke Street and it ran a bit late. He noted that Chairman Topliff attended the site walk prior to the meeting, but would not be at the meeting due to an early appointment tomorrow.

Vice Chairman Seaworth designated Alternate Member Bourque to vote for Chairman Topliff tonight.

Vice Chairman Seaworth read aloud the first three agenda items, which are tied together, relating to Major Subdivision Application #16-06 Pembroke Meadows.

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

Vice Chairman Seaworth stated that if the application is not concluded tonight, the public hearing will be continued.

Ms. Verdile stated that the application was accepted as complete on October 25, 2016. This meeting will be the seventh public hearing for the application.

The realigned intersection at Academy Road was well received by NH DOT. The Board was more in favor of the proposed realignment plan than the previous access plans the applicant had submitted. Roads Committee also met and without exception considers the revised intersection plan an improvement on previous plan. Applicant went back to Technical Review Committee with the modified plan.

The property owner for DHB Homes is working on the purchase of the multifamily house, which is located where the proposed Ashwood Drive will be constructed and will have a lot of engineering, design, surveying, etc. to do. I recommend the applicant provide a recap of the site walk and open discussion with next steps.

Member Seaworth reopened the public hearing at 7:16 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.

Member Bean extended thanks and appreciation on behalf of the Planning Board to the Land Surveying crew who spent more than a day using hand machetes to make the path passable as they set labeled wooden station stakes and permanent fixtures in the ground. The site walk route was along the proposed center line of Ashwood Lane. At one point, houses on Beretta Court could be observed through the trees and vines. The walk was still strenuous and difficult with vines and branches across the path in thickly wooded area, but passable.

Patrick Colburn, Project Engineer, Keach-Nordstrom Associates, Inc. stated that the applicant is working on purchasing the multi-family house, realigning the road as the fourth leg of the signalized intersection, and working with the traffic engineer on design. This week, the land surveyors are laying out the centerline of Ashland Lane. We need to redesign a quadrant of Pembroke Meadows and resubmit revised plans for updated review. Then we need to go back to the State of NH for alteration of terrain approval. The revised plans will address all comments received and incorporate the new intersection. The applicant respectfully requests deferral of consideration to November 28, 2017.

Member Edmonds asked if the changes should be renoticed to regional planning. Member Bourque noted that a delay of this long would need something in writing. Mr. Colburn will send an email to Ms. Verdile. Member Bourque would also like to know the answer to Member Edmond's question on whether this is a substantial change that should be renotified as a project of regional impact.

Ms. Verdile stated that since CNHRPC has been involved with this proposal from conceptual stage and all along and there is no need to delay consideration further with another regional notification. Member Cruson asked if the redesign and intersection alignment will impact response time at the Safety Center.

Cindy Thorell, Littlefield Condominiums, noted that she went on the site walk and noticed there was no crosswalk at the signal. Ms. Verdile said this is duly noted but a request for a walkway at an intersection has to come from NH DOT. Mr. Colburn stated that the applicant proposes to provide a crosswalk at the signalized intersection with Ashwood Lane.

Ms. Verdile stated it is my opinion that given the amount of time this application has been under consideration, and the substantial changes proposed it would be beneficial to the town, the abutters, and the public when the applicant comes back to the Board with detailed realignment plans; they go through the TRC process and re-notice the public and the abutters at the applicant's expense. I think the applicant should also be able to update the Board on the progress with the purchase of the multifamily unit.

Marianne Brock, 2 Beretta Court, stated that the two lots on the northwest corner impact my quality of life. A buffer of trees is needed.

Cindy Thorell, Littlefield Condominiums, asked if another lot could possibly be proposed if the quadrant is redesigned. Mr. Colburn stated there are no plans yet so we cannot comment on that.

There being no further input, Vice Chairman Seaworth closed the public hearing at 7:28 p.m.

MOTION: Member Bourque moved to ask for renotification to abutters and the public of the redesigned plans for Pembroke Meadows at the applicant's expense. Seconded by Selectmen's Rep. Sandy Goulet.

VOTE: B. Seaworth – Y R. Bourque – Y K. Cruson – Y
 R. Bean – Y L. Young – Y B. Edmonds – Y
 S. Goulet - Y

MOTION TO REQUIRE RENOTIFICATION OF ABUTTERS AND PUBLIC ON REDESIGNED PLANS AT APPLICANT'S EXPENSE PASSED ON A 7-0 VOTE.

MOTION: Member Bourque moved to continue the application and public hearing for AGENDA ITEMS 1, 2 AND 3 to November 28, 2017 PENDING REVISED PLANS INCLUDING REALIGNMENT OF INTERSECTION. Seconded by Selectmen's Rep. Sandy Goulet.

VOTE: B. Seaworth – Y R. Bourque – Y K. Cruson – Y
 R. Bean – Y L. Young – Y B. Edmonds – Y
 S. Goulet - Y

MOTION TO CONTINUE MAJOR SUBDIVISION PEMBROKE MEADOWS AGENDA ITEMS 1, 2, AND 3 AND PUBLIC HEARING TO NOVEMBER 28, 2017 FOR REVISED PLANS PASSED ON A 7-0 VOTE.

New Business –

Minor Subdivision Plan Application #17-02, Dan Higginson of Higginson Land Services, applicant on behalf of 4NH Homes, LLC, 34 Rundlett Hill Rd., #4 Bedford, NH the property owner of Tax Map 868, Lot 37, located at 105 North Pembroke Rd. in the Rural/Agricultural (R3) Residential Zone and the and the Aquifer Conservation (AC) District. The applicant, Dan Higginson, proposes to subdivide lot 868-37 into two (2) lots approximately 4.26 acres and 2.63 acres.

Present: Dan Higginson, Higginson Land Service, 78 Patterson Hill Road, Henniker NH and Mike Gallo, 4NH Homes, LLC were present.

Ms. Verdile stated that the application is for a minor subdivision to create one new lot. Plat meets requirements and Waivers have been submitted. A TRC meeting was held August

2, 2017 minutes are included and with this packet and have been forwarded to the applicant.

Waiver requests for the Minor Subdivision Plan Review Checklist have been received. The following waivers have been submitted for:

Part A of the checklist items: D, S, and W.

These are reasonable waiver requests, as they do not apply to the proposal; therefore, staff supports the granting of the waiver requests.

MOTION: Alternate Member Bourque moved to grant the waiver request from the Part A of the checklist items: D, S, and W. Seconded by Member Young.

D. The applicant must state the dates and the outcome of any applications to subdivide any part of the parcel in the prior ten years.

S. The plat must show the location, dimensions, area, and purpose of any existing or proposed open space. The applicant must describe any restrictions on its use and any conditions on its dedication or reservation.

W. Applications for open space development must supply the information required by Article IX of the Town of Pembroke Zoning Ordinance

VOTE: B. Seaworth – Y R. Bourque – Y K. Cruson – Y
 R. Bean – Y L. Young – Y B. Edmonds – Y
 S. Goulet - Y

MOTION TO GRANT THE WAIVER REQUEST FROM PART A OF THE CHECKLIST ITEMS: D, S, AND W PASSED ON A 7-0 VOTE.

MOTION: Alternate Member Bourque moved to accept Minor Subdivision application #17-02 as complete. Seconded by Selectmen's Rep. Goulet.

VOTE: B. Seaworth – Y R. Bourque – Y K. Cruson – Y
 R. Bean – Y L. Young – Y B. Edmonds – Y
 S. Goulet - Y

MOTION TO ACCEPT MINOR SUBDIVISION APPLICATION #17-02 AS COMPLETE PASSED ON A 7-0 VOTE.

Vice Chairman Seaworth opened the public hearing on Application #17-02 at 7:35 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.

Dan Higginson, who prepared Minor Subdivision Plan dated July 7, 2017 for 105 North Pembroke Road, Tax Map 868, Lot 37, Pembroke NH, stated that the property is the former Montminy store. The parent lot will retain the barn, house and store. The second lot will be the vacant field with the power line easement. A house is proposed in the southwest corner of the new lot.

Member Edmonds asked why Section 106 is provided, as that is usually for federal and state uses. Dan Higginson stated that requirement is on the Pembroke checklist for a minor subdivision so I provided it. Alternate Member Bourque asked if the septic had been moved out of the setback. Dan Higginson confirmed that the town requirements were stricter than the state and the septic has been moved on the plan presented tonight. Wetlands were investigated by appropriate profession and none were located.

Member Cruson asked if the line of sight met with DPW approval. Dan Higginson said the plan was changed to move the proposed driveway the left of the house instead of the right. Sight distance for 200 feet at 3 foot 9 inches in elevation above roadway is met. Stakes have been put in to delineate the driveway which is across from the driveway opposite the lot. The proposed driveway is 200 feet from the barn and 400 feet from Route 28. There is no proposal to change the road. The road has been fixed by the town within 15 years. Member Cruson noted that TRC has concerns about drainage but applicant is not proposing any changes to the road.

Mike Gallo said that the former store is being used as a workshop/garage. Member Bean said the renter has had several yard sales at the location with many cars parked there. There is a change on the notes to change "store" to "shop" on the plans. Ms. Verdile explained that store use is not grandfathered any more. There has been no activity there since the store closed until now.

Vice Chairman Seaworth asked for confirmation that the utility easement was not included in buildable area. Dan Higginson stated there is 82,791 square feet buildable area, almost two acres which would be 87,000 square feet. Member Edmonds stated that the Conservation Commission opinion is generally favorable with proper drainage for the driveway. Will there be a culvert under the driveway. Dan Higginson stated that a culvert will be under the driveway and water sheds away from the house. Vice Chairman Seaworth asked if the driveway slope will require grading. Dan Higginson said it likely would need grading and will meet town regulations.

Kevin Roll, 110 No Pembroke Road, stated that the lot has extremely steep grade and slopes over 25 feet are unbuildable. Please confirm the buildable area is adequate. Extensive drainage remediation has been necessary on our property. Lastly, I object to a driveway facing my driveway for safety reasons in the winter.

Ms. Verdile recommends that the property owner maintain clear sight view all year round. Vice Chairman Seaworth stated that Roads Committee is worried about the location of the barn, which is close to the road. Ms. Verdile noted that the Planning Board can solicit the Town Engineer to look at the culvert and drainage on the property. The abutter across the street also has concerns about drainage and runoff.

Vice Chairman Seaworth stated the applicant is not asking to build anything now. When does drainage come into play? Should it be a condition of Planning Board approval before

issuance of a building permit? Ms. Verdile said that the applicant's engineer, DPW and the Code Enforcement Officer could plan to meet onsite and review drainage approve the proposed location of a driveway.

Member Bean asked Mr. Roll is the yard sales are being held on a one time or ongoing basis. There are concerns about the use of the property. The former store is being used as a workshop and a retail business could be going. Mr. Lowell confirmed that the yard sales are ongoing. Selectmen's Rep. Goulet agreed that yard sales one time versus every weekend could indicate a retail business. The site is highly visible to board members and Town officials.

Ms. Verdile will let the Code Enforcement Officer know of the concerns, and the Police as they are enforcement on the weekends.

Vice Chairman Seaworth asked the board to turn attention to the proposed conditions if this subdivision were approved. There was discussion with DPW to enforce line of sight and discussion of a condition regarding drainage. Should there be a deed restriction to require property owners to maintain line of sight all year round, when DPW clears sight line bushes and brush in the summer for all residents. Member Bourque asked how much of the brush is on Town right-of-way. Dan Higginson stated the vast majority of the brush is on Town right-of-way but we agreed to clear it for line of sight and already have done this. Dan Higginson stated that 2 feet snowbanks meet the criteria.

Member Bean asked if sightline distance is met both ways with existing driveway. To get subdivision approval, the property owner has to demonstrate that a driveway can be located to meet sight distance; however, the property owner does not have to use that location. A property owner can request a new driveway location from DPW. Ms. Verdile said she has never seen the Code Enforcement Officer put a condition on a building permit. It would have to be a Planning Board issued condition on the abutters' behalf.

Dan Higginson said it is a closed drainage system and any runoff goes to catch basins on the north side.

Leslie Roll, 110 No Pembroke Road, stated that the northeast corner of the lot under discussion freezes over and becomes icy in the winter, forcing cars to share the same lane. We still get water in our driveway in the spring, and it is happening after the upgrade to the roads. Dan Higginson stated the freezing is happening in an area NH DOT is responsible for, due to water off Route 28. Dan Higginson stated that the driveway is under discussion with DPW and is not designed yet. The driveway will be designed to town grade with a negative pitch coming off the road.

Member Bourque noted that any use in power lines easement may require a joint use agreement. Even though Eversource has indicated it does not need to modify any agreements, it is best to contact them to reconfirm.

There being no further input, Vice Chairman Seaworth closed the public hearing at 8:11 p.m. If the application is continued, the public hearing is also continued and interested parties need to look at notice of future meeting agendas.

Member Bourque asked if the board thinks the new lot line needs to be marked with monuments, which has been standard procedure in the past.

MOTION: Member Bourque moved to approve minor subdivision #17-02 with the following conditions to be included as notes on the final site plan:

1. Provide the original signatures of all property owners and professionals on the final plans to be recorded.
2. Make any administrative corrections to the plan per Town Planner recommendations.
3. Checklist waivers that were granted are to be listed completely on the plan with the date they were granted.
4. Monuments are to be erected on proposed new property line.

Seconded by Selectmen's Rep. Sandy Goulet.

VOTE: B. Seaworth – Y R. Bourque – Y K. Cruson – Y
 R. Bean – Y L. Young – Y B. Edmonds – Y
 S. Goulet - Y

MOTION TO APPROVE MINOR SUBDIVISION#17-02 WITH CONDITIONS PASSED ON A 7-0 VOTE.

Minutes- July 25, 2017.

MOTION: Member Young moved to accept the minutes of July 25, 2017 as amended. Seconded by Member Bourque. Approved unanimously.

Miscellaneous

1. Correspondence-

Ms. Verdile said she received a notice about upcoming NH Law Lecture series sponsored by NH Municipal Association. Several of the dates are all day Saturday classes. Pembroke town attorneys are presenting at this event. Ms. Verdile will forward the notice to all Planning Board members so they can consider the options. Any member who would like to attend a Law Lecture should let her know the date of the session so payment from the town can be requested.

2. Committee Reports-

Master Plan Steering Committee: Alternate Member Dyjak said that the survey, flyers and pamphlets are all out. A survey was posted by mail to every Pembroke home. Member Bean commended the USPS in Pembroke for their assistance with that task. They did a

great job! 350 flyers/pamphlets were distributed and posted at Town Hall, the Library and gathering places all over town. Ms. Verdile noted that the survey can be filled out online or returned on paper by the due date **September 15, 2017**. Member Bean said the committee goal is to beat the 27% response rate another town recently achieved.

Member Cruson asked that everyone assist their friends and neighbors who may not be as computer savvy by getting them onto the website where the Master Plan survey is. Please spread the word and take advantage of press release or publication opportunities over the next few weeks. The future of the town residents and businesses is in the balance. Pembroke has not had a Master Plan update in 14 years. All input is beneficial and appreciated. A tentative Visioning Forum will be held **on October 28, 2017 beginning at 5:30 p.m.**

Member Bourque urged residents to exercise caution with the online survey, as the CNHRPC map pops up with virus/hazardous site warning which has happened from their website in the past.

Conservation Commission:

Member Edmonds said that Conservation Commission had an informal meeting last Monday due to lack of quorum. Discussion items were acquiring more properties and lack of budget to do so with a reduction in change of use fees.

CIP: Member Young reported that CIP has already met with Town, Fire, Police, Ambulance and CIP will meet with School tomorrow. An ongoing issue is whether to invest money in deferred maintenance that is continually needed at Hill School or plan for an addition at a different school. A citizens committee organized by the School Board is looking at options and recommendations now.

Tri-Town Ambulance: Member Bourque said that the joint Tri Town committee is still working on a 2018 budget that is due October 1, 2017.

Suncook Village Revitalization Commission: Ms. Verdile said that there is a lot of duplication in effort in joint committees with Allentown, such as the Trails Committee and Regional Planning Brownfields. Ms. Verdile would like to see towns make the best use of volunteer efforts. Member Bourque agreed that duplication must be avoided. Member Bourque said there may be contaminated mill buildings along the river which should be looked at by the appropriate committee.

Roads Committee:

Vice Chairman Seaworth said the Roads Committee met last week. They had sent a bid out for crack sealing but the bids were not compliant. The RFP was rebid and two proposals were received using two different materials for the crack sealing. Roads Committee recommended the bid with the more expensive material as the benefits were worth the increase in price. Towns in NH, including Pembroke, just received substantial unexpected highway money. Crack sealing is budgeted with DPW, not road paving. The

planned work is not always completed each year. Roads Committee provides a list of priority roads and DPW performs crack sealing as time permits. Crack sealing is best practice to keep improved roads lasting longer. As much crack sealing work as possible, based on the sealant material used, should be done given the additional available budget.

Planning Board asked Roads Committee to discuss superelevation. They also reviewed the engineer's letter. Roads Committee consensus is that superelevation should remain in the ordinance with no changes and should be addressed on a case by case basis, looking at each proposed development.

Board of Selectmen:

Selectmen's Rep. Goulet asked if the Planning Board had received individual emails inviting them to the employee picnic last Saturday. No PB members attended and the Board of Selectmen hoped they had all received invitations.

Most members did receive an email but had a conflict. It was discussed that sometimes new email addresses get updated on one list but not another. Also individual computers may decide that an email to lengthy list of people should go to a spam folder. The Board of Selectmen awarded a crack sealing contract as recommended by the Roads Committee.

Regional Planning Commission: Member Cruson stated there was no meeting this month.

3. Planner Items-

Ms. Verdile stated that there were two new applications for the September 26, 2017 meeting. One is for the golf course and the other is a commercial reuse of the Sabbow building.

Ms. Verdile is looking forward to attending a planning conference in Vermont where one of the topics is very timely, creating a Master Plan.

4. Board Member Items-

Member Bean noted that at the site walk this evening, Ms. Thorell and two other residents continued the walk to view the ravine. Her condominium is the last one on the end where one has to turn around in the driveway to reverse direction. Because the area is town maintained, the applicant is willing to consider installing a hammerhead turnaround for safety of town vehicles. Member Bean commended the land surveying crew who recently cleared a path with hand machetes to mark the center line of proposed road Ashwood Lane. The crew worked nearly a full 24 hour day in thick jungle like conditions to set up wooden station labels and permanent fixtures in the ground. Their work made the route difficult and challenging due to vines and limbs but still passable.

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

The meeting adjourned at 9:07 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary