

Pembroke Planning Board
Meeting Minutes
June 26, 2018
(ADOPTED)

MEMBERS PRESENT: Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Kathy Cruson; Brent Edmonds; Larry Young, Sr.; Richard Bean; Selectman's Rep. Ann Bond

ALTERNATES PRESENT: Robert Bourque; Timothy Goldthwaite

EXCUSED: Kellie Dyjak

STAFF PRESENT: Carolyn Cronin, Town Planner; Jocelyn Carlucci, Recording Secretary; David Jodoin, Town Administrator

Chairman Topliff called the meeting to order at 7:00 pm. He reminded everyone that the meeting was being recorded on video.

He welcomed the Army National Guard representatives.

New Business

- 1. Governmental Land Use Proposal by NH Army National Guard on Tax Map 632, Lot 18, located at 96 Sheep David Road in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Shoreland Protection (SP) District, and the Floodplain Development (FP) District**

The NH Army National Guard proposes plans for a 28,500 square foot Readiness Facility and 9,080 square foot General Purpose Training Annex building with associated water supply, sewer service, and parking area.

Present: Bryan Ruoff, Design Engineer; Chief Warrant Officer Lawrence Rea, in charge of construction oversight; Lieutenant Colonel (LTC) Justin Strevig, in charge of design oversight.

Chairman Topliff said that the meeting was strictly an advisory exchange with the NH Army National Guard. They are not required to comply with the Town zoning ordinances. They are only required to make a presentation and take input from the Board. They are also not under any obligation to follow any recommendations that the Board may have.

Mr. Ruoff introduced himself and said that he is the Design Engineer from the civil utility standpoint of the project. He also introduced LTC Strevig and Chief Warrant Officer Rea.

He said that when they met with the Board 18 months ago, the project was to extend into the site. They proposed a readiness facility, a military vehicle parking area in the rear and a lighter duty parking area in the front. Since that time, the State funds became available and the project was expanded to include an annex building for training purposes which was added to the plan.

Mr. Ruoff said that at the cul-de-sac which was built with the previously constructed facility, they will be picking up an 8" water line and bringing it into the new site for use at both buildings. They will have separate water meters and connections for sprinkler and domestic lines at both buildings.

He said that he met with the Water Commission and incorporated the Town's standards into the drawings and specifications.

There is gravity sewer proposed at the building. There will be oil/grease separators for the kitchen areas which extend from the building to a gravity pump station which will travel by force main to the sewer manhole that was installed as part of the previous project. It is approximately 2,000 ft. of force main to that connection. In between there is a cleanout. They have met with the Sewer Commission twice and incorporated all their comments and Town standards into the drawings.

With regard to site drainage, Mr. Ruoff said that because the property is in the Aquifer Conservation District, they have pretreatment for the site as well as oil/grease separator hoods on all the catch basins within the site. They will be catching all the limits of the parking areas with the stormwater drainage, treating it, recharging it into the system, and then discharging it out of the site. With the site consisting of all sand, Mr. Ruoff said that the water that comes from the site will be recharged into the ground after it is treated.

They are working with Eversource and Liberty Utility and are working with the existing 12" gas line on site.

Rip rap is designed for 25-year storm events. All permits for water and sewer were previously acquired for all the buildings at the time of the original design.

The project is pending AOT approval which is presently under review. The goal is to put out the bid in October/November of 2018 and to begin construction in March 2019.

Alternate Member Bourque asked how many vehicles are expected on site.

LTC Strevig said that it is designed for 30 private vehicles and approximately 50 military vehicles.

Alternate Member Bourque asked what was being done to collect and withhold things like oil spills, gasoline, diesel, antifreeze, etc.

Mr. Ruoff said that there are oil/grease separators on all the catch basins that will be maintained regularly as part of the construction, including the parking lot.

LTC Strevig said that no significant vehicle maintenance is planned on site. Any vehicle maintenance will be done at other locations.

Mr. Ruoff said that the gravel driveway will allow 360° access to the buildings as recommended by the Fire Chief. The building will have a sprinkler system.

Chairman Topliff asked if there would be any hazardous material on site in excess of 5 gallons. He was concerned about the contamination threat to the aquifer.

LTC Strevig said that the vehicles will hold their own fuel as well as additional fuel that is held in containers on a variety of vehicles. He said that there is a fair amount of "haz-mat" in the buildings but will have "haz-mat" storage containers on the site. He said that there will not be bulk storage of fuel on site.

With regard to firearms, LTC Strevig said that there are no firearms on the site and no military firing of ammunition or blanks.

Member Edmonds said that he understood that the National Guard employed outside contractors for snow removal and maintenance. He asked what was used for deicing chemicals.

LTC Strevig said that they contract out snow removal for the site and that they will not be doing anything different from what is already being done. To be more specific, he would have to follow up with others.

Mr. Ruoff said that they calculated all the snow storage areas to make sure that no snow would be stored at the detention basins and stormwater areas.

Member Edmonds asked if there would be any porous pavements or porous concretes.

Mr. Ruoff said no.

Chairman Topliff said that it was mentioned in the documents that material may be removed from the site during construction and that it was up to the contractor to manage the process responsibly. He asked if the material was sand and gravel or if there were other sorts of materials that might require special treatment and, if so, who would manage that.

CWO Rea said that the site is a LEED Silver facility/design which means that the building is designed to be a certain percentage of efficiency and takes into account the surroundings. It is a tight envelope building and will use high condensing boilers. In order to get the points to reach LEED Silver, they must also have bike racks, parking for high-efficiency vehicles, and they also report and address recycled materials and any ground work done. He said that if they had exotics on site, it would affect their point system and qualification. They do not have exotics on site. The whole area is sand and gravel. If anything, they expect to have top soil taken off site.

Member Bean asked if they will be using local contractors for construction.

LTC Strevig said that the project is being contracted through the NH Department of Public Works and will go through their normal bidding process. It is not guaranteed that it will be local contractors.

Member Bean said that during the first meeting with the Board there was discussion about the Town using a part of the facility for public hearings, etc. He asked if the offer was still on the table.

LTC Strevig said that he believed that it was, but he was not the one responsible for renting the buildings out.

Member Bean asked if the Town could receive an agreement on that.

LTC Strevig said that he would give him his card and help coordinate the offer.

Ms. Cronin said that the National Guard met with TRC on June 6, 2018 for department head comment and they were satisfied.

CWO Rea said that he did not want to give the impression that they can do anything they want on the site. He said that the reality is that they do anything they can for the municipalities. Whatever the Fire Marshall wanted, they did. They also discussed this future project and how to address the gates. They complied with whatever he wanted.

CWO Rea said that they fall under the State Fire Marshall's Office. They do not rely on the municipal inspectors except for sewer and water connections, but for electrical, plumbing, fire safety, etc., they have to comply with the State Fire Marshall's Office and the State does the inspections.

Member Bean said that if the NH National Guard could open the doors to Pembroke and coordinate a Town Meeting at the facility, it would bring public awareness which is very important.

Chairman Topliff thanked them for their clarification and said that the Board appreciates everything that they do for the safety of the country and the area.

Selectmen's Rep. Bond asked how the local fire department would get into the facility.

CWO Rea said that access is through a gate and a Knox box to get the keys. The new facility will also have a gate and a Knox box for the key.

Mr. Ruoff asked how many copies of the final plan the Town would like.

Ms. Cronin said four full size and one half-size plan. She only needs one copy of the full construction and one of the site plan.

Mr. Ruoff said that the plan that Ms. Cronin already received was just a civil plan. The copy of the full specifications is approximately 3,000 pages. He will provide a digital copy.

Miscellaneous

1. Committee Reports

Tri-Town Ambulance: Alternate Member Bourque said that at the last meeting, they approved previous purchases and caught up on billing.

ZBA: Alternate Member Bourque said that there was a single applicant wanting to do automotive repair work in the R3 District. The applicant received a variance. The application will not be coming before the Board.

He said that the applicant originally had a minor home repair business in which he would rebuild carburetors and work on antique cars. The applicant wanted to do inspections and oil changes along with general repair work on vehicles which would be allowed under a major home business but under major home business' restrictions. The applicant asked for a variance which, in Alternate Member Bourque's opinion, left the case open-ended. He said that the applicant can do almost anything he wants once the variance is granted.

The ZBA restricted him to the number of trips per day and he could not expand the business outside the building that he is using.

Alternate Member Bourque said that his issue is that there would be no oversight once the variance was granted. It was his impression that Mr. Pendergast spoke with Ms. Cronin about correcting this issue in the future.

He said that the applicant did not want to spend the money for a minor site plan which is required for a major home business. He avoided that by going for a variance.

Alternate Member Bourque also said that there were three neighbors who supported him. No one was against the use.

Chairman Topliff asked Ms. Cronin to look at the case and work with Alternate Member Bourque to make improvements to the zoning ordinance.

Ms. Cronin said that her understanding was that the applicant went for a variance because the use was not permitted in the R3 zone and that he was already performing repairs and maintenance there.

Member Cruson asked how it would influence other people in R3 who would want to open a business.

Chairman Topliff said that they could do the same thing.

Ms. Cronin said that the ZBA takes each on a case-by-case basis. Because they are a quasi-judicial board, they are looking at each individual case. For example, one person may get approved for a variance for a use but someone else may be denied based on different circumstances.

Selectmen's Rep. Bond said that, in this case, it sounded like the applicant could work on any size vehicles.

Alternate Member Bourque said that he tried to add a condition that he could not work on commercial vehicles. He is allowed 15 round trips per day which includes deliveries (UPS, parts deliveries, etc.).

Mr. Jodoin said that he did not know who would document the 15 trips per day.

Alternate Member Bourque said that since the variance goes with the property, it bears looking into to try and solve the lack of oversight problem.

Chairman Topliff said that contaminants would be a concern because there are wetlands in the area.

Board of Selectmen: Selectmen's Rep. Bond said that the Board discussed the 4 Union Street parking issue at their last meeting. The residents do not think that the tenants have enough business to warrant restricting the parking to the Union Street tenants.

They also had a public meeting for the Energy Committee.

CNHRPC: Member Cruson said that they discussed the rail trails and how Pembroke is separate from Concord with the rail trail and needs a connection. It was said that there is some funding for bridges but nothing substantial. She said that that did not mean that the rail trail could not exist in segments. The CNHRPC is pleased with how the rail trails are being used for biking and hiking throughout Southern NH.

2. Planner Items

Ms. Cronin said that the TRC will meet tomorrow with one application for a 16-lot subdivision. The Planning Board will have it on their July agenda.

The consensus of the Board was to cancel the next work session.

With regard to the Lodges at Pembroke Pines, Mr. Jodoin said that an appeal has been filed on the ZBA decision. They have also looked at appealing the Planning Board's decision. There will be a pre-construction meeting that will take place at the end of this week. Mr. Jodoin said that his understanding is that they want to go forward with the pre-construction meeting because nothing has been finalized yet as far as all the approvals. Once the approvals are finalized, there could be another appeal on the other side. He said that a good portion of the ZBA decisions are being appealed.

Selectmen's Rep. Bond asked if someone already tried to appeal the decision and lost.

Mr. Jodoin said yes but they are now appealing to a higher level.

He also said that the ZBA will be meeting with Town Counsel to go over training for new items that are coming up. It will have nothing to do with the appeal.

Chairman Topliff said that he understood that Pembroke Meadows received sewer approval for the 110 lots but with all the delays, they will have to refile. He asked if the Sewer Commission has, at some point, the opportunity to revoke the approval and grant the capacity to others.

Mr. Jodoin said that he thinks that it comes down to the Sewer Commission's decision. In other communities that run into this issue where sewer has become a hot commodity, people have looked at pre-purchasing the commitment and holding onto it before their future subdivisions are done.

In Mr. Jodoin's opinion, based on the court case information, if there is a plant that produces X number of gallons, they should be able to tell what capacity is being produced now, how much belongs to Allenstown and how much belongs to Pembroke. In other words, how much is being produced, how much is being used by each Town and what is left. He said that the point is to know how much is left and how much belongs to each Town.

That way if one town had nothing left, then sewer capacity could be purchased from the other town.

MOTION: Vice Chairman Seaworth moved to adjourn the meeting. Seconded by Alternate Member Bourque. Unanimously approved.

The meeting was adjourned at 7:42 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary