

**Pembroke Planning Board  
Minutes of Meeting  
March 21, 2017  
(ADOPTED)**

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

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

**EXCUSED:**

**STAFF PRESENT:** Stephanie Verdile, Town Planner; Jocelyn Carlucci, Recording Secretary

**GUESTS:** Matt Monahan and Steve Henninger of Central NH Regional Planning Commission (CNHRPC).

Chairman Topliff called the meeting to order at 7:00 pm. He welcomed Kellie Dyjak as the Board's newest alternate and Sandy Goulet as the new Selectmen's Rep.

**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 December 13, 2016*
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 December 13, 2016*

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 December 13, 2016*

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

Ms. Verdile said the Application was before the Board on December 13, 2016. At that time, the Board requested the Applicant come up with alternate entrances onto Pembroke Street. The Application was accepted as complete and waivers from the checklist had been granted. Waivers from the Subdivision Regulations had not been granted but were not required in order to hold a public hearing.

There being no questions from the Board, Chairman Topliff re-opened the public hearing at 7:04 p.m. He asked that anyone wishing to comment to please stand and state their name for the record prior to making their comment.

Mr. Colburn said he was here to discuss an alternative configuration to the Pembroke Street intersection.

He summarized the December 2016 meeting as follows:

- Mr. Colburn presented a plan to reconfigure the lots to pull the intermittent streams and the bordering wetland buffers out of all the proposed lots.
- He prepared three separate lot layout plans for the lots closest to Littlefield Condominiums. They showed how the development of those lots would not adversely affect the flow of surface water on the Littlefield property.
- Mr. Pernaw presented the results of the traffic analysis conducted by his firm. It included a queue analysis of “our” intersection and the intersection of Broadway and Pembroke Street. He said that there was a concern about queuing at the Broadway traffic signal and the backup of traffic all the way to the development entrance on

Broadway. He said that the video showed that during the peak hours, they did not see the queue that was the “big” concern.

- Abutters and the Planning Board expressed concern about the integrity of the sewer main which the project would require access to. Mr. Colburn said the sewer main currently traverses the site along the Merrimack River within an existing sewer easement that the Town enjoys.
- Phasing concerns were expressed along with providing two means of access from Pembroke Street and Broadway to the development.
- He also said the Fire Chief sent the Applicant a letter in December which suggested that all the units within the development would need to be sprinkled and also referenced changes to the hydrant locations.

Mr. Colburn said that upon leaving the meeting, his team was confident that the bulk of the comments could be easily addressed and that once they proceeded with a plan revision, they would be able to implement them.

He said that the major concern revolved around the access from the development to Pembroke Street.

Mr. Colburn referenced December 2016 meeting minutes by saying Mr. Henninger was quoted as saying that the most difficult situation was the intersection of Route 3 and Academy Road. He said that was an existing issue with the angle in which Academy Road enters Pembroke Street as well as the traffic queues in all directions at that existing intersection. He noted the minutes state that Mr. Henninger said the current configuration of the proposed right-in and right-out intersection on Pembroke Street would not deter anybody “from making a left turn instead of right only” onto Pembroke Street heading north. Mr. Colburn also read from the minutes that Mr. “Monahan, CNHRPC, stated the ideal situation would be to line up the intersection with Academy Road.” Mr. Colburn also said a discussion about the issues with Mr. Monahan’s suggestion was that two existing properties not owned by the Applicant oppose Academy Road at its current location today. He said that, that was one of the reasons why the Applicant suggested that that was not a probable configuration for them to align the proposed Ashwood Lane with Academy Road.

Mr. Colburn further referred to the December minutes by saying that Chairman Topliff referenced the day-to-day travel challenges along Route 3 and that Mr. Bean attempted to find another point of access along Pembroke Street suggesting that the Applicant may purchase additional land in an area that was free of existing homes to try and squeak a right-of-way out for a third means of access from Pembroke Street to the property. Abutters and Board members shared their concern regarding student access (pedestrian access) from Pembroke Meadows to the other side of Pembroke Street at P.A.

There were a lot of discussions in December 2016 about the merits and conclusions of the traffic study and the numbers used within the study. Mr. Colburn said the discussions concluded once Mr. Henninger offered his experience and concurred with the findings of Mr. Pernaw. The discussion then circled back to Mr. Henninger saying the redesign of Academy Road at Pembroke Street to align the project entrance is the most logical fix to the problem.

Mr. Colburn said when his team left the Town Hall meeting, Mr. Henninger shared a quick concept with the team to relocate the intersection from where it was proposed to approximately 300' North of the Pembroke Street and Academy Road intersection. The relocation spot is to a single residential home that accesses directly to Pembroke Street shown as Lot 84 on the overview plan.

Mr. Colburn said following the meeting, they attempted to design a plan as suggested by CNHRPC. He said it was his understanding that CNHRPC also worked on a conceptual intersection, which the Planning Board received.

There was a staff meeting between Ms. Verdile, Mike Vignale, Mr. Henninger, Mr. Monahan, the Fire Chief, and the Applicant's team. They all presented their plans. It was decided, that at the March 21, 2017 meeting with the Planning Board, the focus should be on the intersection in an attempt to come to a consensus on the Applicant's future direction. He said that revising the plan was cumbersome and many hours of work.

Mr. Colburn proceeded to explain the most recent overview plan submitted to the Planning Board.

He said that they relocated Lot 84 to a spot previously proposed to connect Ashwood Lane to Pembroke Street. Lot 84 would then become a single lot with access to Pembroke Street. They also reorganized the right-of-way in such a way that the previously proposed Lot 84 would be dedicated to the Town. Ashwood Lane would have back-to-back horizontal curbs and outlets now on the South side of the Academy Road intersection at Pembroke Street.

Mr. Colburn presented a plan that was "a marriage of the plan that Mr. Henninger prepared" as well as comments that they shared during the staff meeting and comments that they received from the traffic consultant.

He pointed to the new intersection of Ashwood Lane and Pembroke Street. The previous plan placed it South of the Academy Road intersection. The new plan shows a future realignment of Academy Road as it intersects with Pembroke Street. They preserved a portion of the existing intersection and kept it as a slip right, so drivers coming from Academy Road and going North onto Pembroke Street would yield right and not contend with the signal. There would be a full access curb cut at Pembroke Street and Academy Road, and a full access curb cut at the new signal for the proposed Ashwood Lane.

Mr. Colburn said the new plan comes with its challenges: The right-of-way for Academy Road creates a skew to Pembroke Street which creates an acute angle which would require cooperation from the School District.

Academy Road is a state-maintained, state highway like Pembroke Street and Broadway. The NHDOT would need to acquire additional right-of-way from the Pembroke School District in order to advance the plan. He said that there were existing parking spaces and

access points at the corner of P.A. which are in conflict with the realignment of Academy Road. A portion of the parking lot would need to be reconfigured and reconstructed.

Mr. Colburn said the Applicant is not opposed to the long-range plans that will fix the existing problems that the Town faces today. In fact, Mr. Colburn said the Applicant is willing to support the plan and set that plan in motion by redesigning the development on his side of the road to suit. With that being said, Mr. Colburn said that they have come up with an "interim plan" that would set that in motion.

He then presented the "interim plan" which showed Ashwood Lane and the proposed intersection with Pembroke Street coming out across from the proposed realigned Academy Road. Under that scenario, they have maintained the right-in and right-out. Having the right-out on the South side of the signal has multiple benefits: (1) Gaps would be created by the existing signal allowing cars to make right turns out freely, even during the peak hour. (2) A sidewalk going directly to a crosswalk situated inside the existing intersection, signalized, the Applicant could add a phase to the existing intersection for pedestrians and accomplish a safe crossing at the intersection.

Mr. Colburn said a previous concern was that folks could conceivably make left turns to head North bound even though they are restricting this access with right-in and right-out. Under the proposed scenario, they have adequate width to construct a raised median on Pembroke Street, which would prohibit the left turns out.

He said the interim plan sets in motion a long range plan for the Town and the State to reconfigure Pembroke Street. He also said that it does not necessarily have to be a signalized intersection -- a roundabout may help with the existing traffic problems.

Mr. Colburn said one of the things the Applicant was trying to accomplish with the interim plan was an ingress for emergency vehicles. It would be a secondary access gated for emergency vehicles only. He said they have all kinds of right-of-way width available because they are prepared to dedicate all of what was Lot 84 to the Town. It leaves room for the South side of the raised median (so emergency vehicles are not conflicting with the median) and they are prepared to propose a gated emergency vehicle access that would enter Ashwood Lane to allow lefts-in two points of access. The Fire Chief was not in favor of a gated emergency access and told the Applicant to remove it from the plan, which they did. The Applicant is now voluntarily proposing to sprinkler all 110 new homes in the development and address all the hydrant location changes proposed by the Fire Chief.

Mr. Colburn said the Applicant does not want to be handcuffed to a process that he has no control over. The process to align Academy Road with the State is likely a project that should be added to the State's ten-year plan in order to try and gain federal funds to help support the project. The Applicant is willing to give his fair share to the improvement but the project might exceed \$500,000 and is too large to be born by a single applicant. Mr. Colburn said the Applicant is willing to cooperate in terms of setting the ultimate fix in motion and give the State and Town the acreage needed to see it through.

Mr. Colburn said the project will take years (more than a decade) to see built out. He said there is not a demand for that many new homes in a given year. They have laid out 7 individual phases. Per the Town's Subdivision Regulations, they are allowed 25 building permits per year. The most that were shown on the previous plan was 22 in any given phase. He said the Applicant is not suggesting that 20 or even 15 homes will be built in a given year. He said the Applicant suspects that 22 new homes could take 3+ years in a single phase. With that in mind, the connection to Pembroke Street is in the future. The realignment of Academy Road is in the future beyond the Pembroke Street connection. He said the Applicant "would like to have some control over the process so as not to be handcuffed and not be able to do anything until" the 10-year plan comes to fruition and Academy Road is realigned.

Chairman Topliff said that he would like to focus on the topic of Route 3. The Board is interested in other topics of concern such as drainage but it would be best to take those at a later time and would appreciate the Board and the public staying focused on the access to Route 3.

Selectmen's Rep. Greco said at the intersection of Pembroke Street and Academy Road there are two lanes going North and two lanes coming South. The raised median would make it very difficult to plow.

Mr. Colburn said the raised median is south of the intersection. It is there only from the crosswalk South to a point necessary to preclude the left turns out. He said that he would understand the concern if the median was not parallel to the travel lanes, but like he has seen on NHDOT roads all over the state, it would be a concrete median with sloped granite curbing. There would be a sign at both ends saying "Keep Right" because of the median and the plow would grab the curb line and run parallel to the curb line.

Mr. Pernaw said since the road is plowed by the State, the State would look at the plan and if they did not want a median island there, the Applicant would remove it.

Selectmen's Rep. Greco asked how close the cars would be to the building at P.A. once they have divided the entrance onto Pembroke Street and acquired land from P.A.

Mr. Colburn said it was a 20' long parking space and a 22' wide access isle, so it would be approximately 45' from the building, to the limit of right-of-way, and another 5' to the edge of the pavement.

Member Cruson asked if anyone was present from the School District. There did not appear to be anyone present. Member Cruson pointed out that P.A. would lose a whole strip of parking.

Chairman Topliff asked if the Applicant had had any conversation with the School District.

Mr. Colburn said no because the plan that they are proposing this evening does not involve the School District. The future plan would require the Town and the NH DOT to

work with the School District to acquire the right-of-way. Since the Applicant's plan only prepares the Town for the future plan.

Member Cruson asked how police or fire would get into Ashwood Lane from the Safety Center.

Mr. Colburn said the Fire Chief told them that, from the Safety Center, they would make a left onto Pembroke Street, a right onto Broadway, and a right into Ashwood Lane. Mr. Colburn said the response time to Pembroke Meadows would be less than to most places in Pembroke.

Mr. Colburn said that to make a right onto Pembroke Street from the Safety Center, and make a left into the right-out only driveway, could be done, but the Fire Chief was not in favor of that route.

Alternate Member Bourque asked if the Applicant had discussed acquiring Lot 5 in order to have a better line up with Academy Road, possibly making a property swap with the owner to Lot 84.

Mr. Colburn said that there is not enough width to Lot 5 to align the 2 roads so they would need to purchase Lot 5 and the multi-family on Lot 6.

Alternate Member Bourque said that if they removed the old Lot 84 and purchased Lot 5, there would be plenty of room and would not have to make the intersection between Academy Road as bad and take as much property from P.A.

Mr. Colburn agreed but said that they would still need to acquire additional right-of-way in order to align the 2 roads. The Applicant has not ventured down the road of acquiring additional property.

Member Bean said he was not opposed to the project but the problem that would be created at the Academy Road intersection is caused by the 110-lot subdivision. There should be a conversation with the owners of the properties because there may be a good alternative to the proposed plan. He said that he liked phased-in projects and that the Fire Chief is right to ask for sprinklers, but it is a cumbersome intersection and the onus is put on the Town and not on the subdivision. It should be on the subdivision because they are the one creating the issue.

Mr. Colburn said that was not correct and that Member Bean's opinion is not supported by facts. The numbers prove that the 110-lot subdivision has between a 1% and a 4% increase in the traffic seen today on Academy Road and Pembroke Street through this section. The intersections analyzed were Broadway at Pembroke Street, Academy Road at Pembroke Street, and Bow Lane. Mr. Pernaw's study proved the increase is between 1% and 4% and 2% during the peak hour. It depends on time of day and where a person is on the route. Mr. Colburn said Mr. Pernaw also showed the day-to-day variation is between 14% and 22% of the numbers that are used as the fix. A variation between 1%

and 4% with a day-to-day variation just due to the random nature of traffic is 14%, which tells what the impact of the project is.

A travel time study on 2.1 miles on Pembroke Street at peak hour is affected by 12 seconds as a result of the development. Mr. Colburn said that it is just not true to say that the 110 lots are "the straw that broke the camel's back." The actual comparison is 4% at best.

Member Bean asked if the proposed alternative that will affect the school has been discussed with the School District.

Mr. Colburn said no, because the project is merely at the infant stage.

Vice Chairman Seaworth said, from a phasing standpoint, it could be a decade or more by the time the Applicant gets to the intersection. The State process to redo the intersection could be a decade or more and conceivably things could come together where the two are proceeding in parallel. He asked if Mr. Colburn had a sense that when he presented the intersection to the State for approval, if the State would be looking at the two concepts or if Mr. Colburn was going to get approval now for the near-term project and leave the other concept for the future.

Mr. Colburn said that that they would proceed to the NH District 5 with an alternative to the plan that was already submitted to NH District 5. He said that District 5 has, in their possession, the traffic study from Mr. Pernaw and the original plan that Pembroke saw month's ago. The State reviewed the plan and Mr. Pernaw's traffic study. They accepted the traffic study and the findings therein. They had one request from the Bureau of Traffic, which was to add a right-turn deceleration lane southbound on Pembroke Street as you enter the development at the right-enter-only. They had a series of nuts-and-bolts comments at the District level with the development as a whole. Everyone has reviewed it and if the Applicant decides to go in this direction, Mr. Colburn would do a full plan revision, submit a new application to the State, with the alternative that the Applicant is prepared and has the power to do.

Mr. Colburn said CNHRPC would have to work with the State to advance the plan. The issue on Pembroke Street is something that everyone discussed as a current issue. The Applicant has not developed a single house lot on the 125 acres and are still hearing about the traffic issue. He said that issue is not something generated by the development. It is something that exists today so it should be part of a capital improvement plan and part of the Town's long-term plan to correct.

Chairman Topliff said he is not convinced that there was an issue with the Pembroke Academy intersection. He never heard of one or ever experienced an issue. He said that the Town absolutely has a problem with traffic on Pembroke Street in general but it is a combined issue with three traffic lights (Broadway, Pembroke Hill Road, and Academy Road). He said that the one on Pembroke Hill Road has significantly exacerbated the existing situation, but he never heard anyone say that there was an issue with the alignment or the configuration of the Academy Road intersection. He asked Mr. Henninger

if he was aware of an issue and if the NHDOT had a long-term plan to do something at the intersection.

Mr. Henninger said he is dependent on the townspeople for their input because he does not travel Pembroke Street all the time. He said he has heard about problems with that intersection at meetings and the traffic study indicates that the intersection will only get worse. In fact, it will be in partial failure in 10 years. The same is true with Broadway and Pembroke Hill intersections. He said the problem is trying to move a lot of traffic through a two-lane road with minimal access control and a few traffic signals.

He said that it is necessary to trade off the access from the side streets to tie-in with the signals to get access out. As traffic grows as the development occurs, there will be less time available for through traffic. It is something that needs to be looked at. It would take at least 10 years to get into construction on the State's ten-year plan. Even if they were successful in getting it in, it would take at least 12 years because plans have already been submitted for this year's ten-year plan update. He said it would depend on what the townspeople see as a problem.

Mr. Henninger said anytime there is an oblique angle intersection, it is inherently inefficient and less safe than a 90° intersection based on national statistics.

Some of the idea with the slip ramp for the ultimate configuration may be marginal. It may have some traffic benefits but it may be better just with a 90% turn at the signal which would be discussed at the design stage.

Mr. Henninger said lining up the intersection with both streets would be very beneficial for the applicant and the sale of his property. To be able to say that a person can exit North at a signalized intersection and that children can walk across the street to school at a signalized intersection are an important benefit for the community and the development. Once the Town owns the road, all the responsibility comes back to the Town and the State to fix the issues.

Chairman Topliff said that was where he struggled. He felt that the Town was being asked to approve a layout that puts the burden primarily on the Town and the State to solve a problem that is, in part, either created or exacerbated by a new subdivision.

Pauline Belleville, 7 Winchester Court, asked if, when the traffic study was done if it included any Friday afternoons during the summer and northbound on Route 3. She said that turning into Riverview Way is impossible between 3-7 p.m. and additional traffic to the South, would make it worse.

Ms. Verdile asked if the traffic study took into account turns or just counts. Mr. Pernaw said that the NHDOT asked them to do intersection turning route accounts at the study area and intersections. He said that was standard procedure. He also said when they do a scoping meeting with NHDOT, they look for a typical week day. They prefer not to see Monday or Friday data. Also, regardless of when the data is collected, they want it factored up to a peak month condition which was done.

With regard to the trip generation estimates, the NHDOT wanted them to use the ITE Trip Generation Manual. In 2003, the Manual said that residential developments generate 1.01 trips per unit in the peak hour. Five years later, the trip rate was still 1.01. In the most recent edition, 2012, it went down to 1.0. All the data that comes in is stable and has always been stable.

Mr. Pernaw said they have had several occasions over the years to do counts at existing intersections which has one point of access for X number of dwelling units, and were calculated at the NH rate. The NH rate comes out to be .79, whereas the NHDOT says to use 1.01. One trip per unit during peak hours. He said that he finds that comforting to know that the NH rate of trips per unit is less than 1.01.

Chairman Topliff said the most important question is how to get people safely in and out of the development and in a manner that would allow public safety access and does not burden the Town or the State in the future. He said that he did not find any real value in going over the numbers.

Mr. Pernaw concluded that when dealing with a heavy arterial and a side street, which in effect is a corner lot, the safest way to access is to restrict access on the heavy arterial. That is why originally it was recommended to be a right-in and right-out driveway and to have the full access point on Broadway which provides access to a signal which gets traffic out northbound safely. In terms of access configuration, what is being proposed is the safest.

Nelson Howard, 3 Savage Court, asked Mr. Henninger what is meant when a stretch of road is in failure.

Mr. Henninger said that intersections and roadways are rated A through F. Once you reach F, for example at a signal, you may have to sit through more than 3 cycles of a signal. That is a failure condition.

To not make it all the way through the signal the first time and have to wait through another signal would be a D rating. Once you get beyond that, you get fewer cars through the intersection and to the street because it gets very hard to get any car through the lights. That is a failure-type condition. It is possible to have the main route functioning well but a failed condition on the side streets getting into traffic. There is no way to improve the condition unless you provide a traffic signal and timing for the signal.

In this case, Mr. Henninger said that the overall amount of traffic going through the intersection in 10 years will cause many of the crossroads to get tied up. He said that he likes the use of a delay at an intersection rather than calculations because calculations are complex and levels can be argued about. A good way to gauge failure is on how long you sit at a light and then go through the light. If the signal goes and you move up ahead and you see in the distance that there is another signal, but you don't get through the signal, that is a failure.

Chairman Topliff said Mr. Henninger has briefed the Board on this concern, whether the subdivision is built or not. As part of the Master Plan, the Board would look at how to offload some traffic from Pembroke Street in order to help the situation.

Attorney Cronin said they have spent a lot of money on this and tried to do the best that they can with this property. The team believes this design addresses the immediate concerns with the traffic flow onto Pembroke Street as opposed to the initial design, which was North of the traffic intersection. He was under the impression that the long-term solution would be to align those roads. He said tonight it seemed that there was no issue and unnecessary to align the roads. It is important for their team to know. There is a consensus that with or without the development, that particular corridor will be stressed. Failure does not mean that it is unsafe; it means that a driver would wait a little longer (i.e. a matter of seconds).

Attorney Cronin said from a developer's point of view, they would like to pay nothing for outside improvements. From the town's perspective, they would like the developer to pay everything. He said fortunately, this happens in every single town and the court's have wrestled with it. The law is pretty clear. There is a methodology for fair-share assessments. Attorney Cronin said he is sure that the town is doing their CIP. He said it was not their purview to go to the School District. The developer cannot do work on the school's property. They do not have the power of eminent domain or of taking one of those houses for the benefit of the public but the Town has that power. The Town can assess the developer a fair-share assessment, which they are willing to pay. "So what's that number?" Attorney Cronin asked. If the developer was willing to pay 100% of it, what would the Town like to see?

According to Attorney Cronin, the other problem that the Applicant has is that the property has been zoned residential for a long time. If it was zoned commercial or industrial, it would be a lot worse. There would be all kinds of traffic at the peak hour all the time. No one made an attempt to change it so the Applicant is stuck with the zoning that is there. Attorney Cronin said the Applicant is willing to probably pay more than they would legally have to, and they would like to have that discussion but it seems that "they are kind of chasing" their tail, they are trying to get to an alignment that works. Attorney Cronin said he would like to know what the Board would like to see happen if the Applicant was paying 100% of it.

Attorney Cronin said the second part of the question was that if the Applicant gets an ideal solution, it does not just help the 110 units. When he looks at the Donna Drive development and the other houses that use the Pembroke Street corridor, the percentage is very small that contributes to that problem yet the Applicant is willing to pay money to get a long-term resolution. He said that their team needs to know what the Board feels that the solution would be and what the Town would be willing to contribute. He said perhaps in combination with the Town's CIP, NHDOT, or federal grants there is a way to advance the plan. Attorney Cronin said the proposed plan is about the best that they can do.

Chairman Topliff asked if anyone from their team approached the property owners to see if they would be willing to sell.

Attorney Cronin said that could be a discussion but they do not have to do that. He said that was something the Town could do or take it by eminent domain. He said if the Town felt that the properties were essential and were willing to take them by eminent domain and there was a cost associated with doing so, the Applicant would be willing to discuss funding some of the cost.

Chairman Topliff asked why they were not willing to talk to the property owners to see if they were willing to sell.

Attorney Cronin said because, usually in this particular case, when the property owners come to these meetings and see the Planning Board is saying "why don't you go get that piece." the price goes way up and is very difficult to negotiate. If you take something by eminent domain, independent appraisers determine the price and it gets funded. Attorney Cronin said if the Planning Board said one of the houses was going to make a difference and the Applicant contributes to that, they would be willing to look at that. Attorney Cronin said he has been to all the meetings and he still does not know what the Board really wants to see there. Attorney Cronin said even if the development is not 110 houses, there would be houses at that intersection at some point. He said there has to be because that is how the area is zoned. Attorney Cronin said he is aware that the Town is not going to offer to purchase the property from the Applicant, but if they did, the Applicant may entertain it but they do not have a sense that the Town would want to purchase the property to benefit the Town. He said that the Applicant meets the ordinance and meets the density.

Attorney Cronin then said that the Board may have followed the news in Londonderry this past week that there is a workforce housing project there that met all the requirements of the ordinance and that there was a mix-up in the voting and one of the members voted on the basis that they did not like it and it would be a problem without any objective data. There was an investigation commenced on that particular file and Attorney Cronin believed that the Town Counsel came in.

Chairman Topliff said that Attorney Cronin was getting way off topic. The Board would like to talk about the intersection and Attorney Cronin wants to talk about legal issues.

Member Cruson said that Pembroke is known to have its adequate share of workforce housing.

Attorney Cronin said that the Board was misunderstanding.

Chairman Topliff said that at the December meeting, he thought that the Board made it clear that they wanted the road lined up with the existing Academy Road intersection. He apologized if the Board did not make that clear but that was certainly the intent. In speaking for himself and not the Board, Chairman Topliff said that he wants to see the development brought up to the existing intersection.

Chairman Topliff said that the Board does not have a budget or the power to commit the Town to future expenditures to rebuild the intersection. Chairman Topliff said that he is struggling with the question of how the Planning Board can approve a project that commits the Town to a future expenditure when it is up to the Town voters and the Board has no authority to do so. Further, if the Board were to go forward with approval of a project that was dependent on the Town spending money to make the traffic issue work in a manner that everyone envisioned, he thought that the Board would be in trouble legally.

Attorney Cronin said "Not at all. It happens all the time." He said that the people and the voters are the ultimate people that respond. They have a period of years to determine whether they want to spend the money or not. He said that if the voters say that it is not worth while to spend the money for an improvement that the Board recommended, that would be the voter's choice. The voters may say they would rather wait a little longer at a traffic light than to pay more money in taxes but ultimately it is their say. He continued to say that many times projects are approved with contemplated off-site improvements that never happen because the voters discover that the sky did not fall when the project was approved and they do not want to spend the money.

Ms. Verdile said the Town was in no position with this type of project to do any eminent domain on an Applicant's behalf. These are state roads, not like the Loop Road, which is a town project, where if the Town had to buy land for a general purpose perhaps it could be done.

Attorney Cronin said the Applicant has the same issue – it is two state roads.

Ms. Verdile said the Town is not going to 'go to bat' to try to buy those properties in order to make the alignment on behalf of the applicant. It is the Applicant that needs to figure that out, not the Town.

Attorney Cronin said that he respectfully disagrees but realizes that reasonable minds can differ.

Chairman Topliff said it still bothered him that the Applicant had not approached the property owners. It has become more and more clear that that is what the Board would like to see. He said that if he were in the Applicant's shoes, he would have done that before coming to the Planning Board.

Alternate Member Bourque said that Pembroke 600 had to do all the offsite improvements to align Route 106 with Kline Way. He did not see this project as any different. He said that if the Applicant wants to access Route 3 from the development, they need to make the intersection safe, just like the one on Route 106 and Route 3 so that there are no issues with islands and crosswalks, etc. A working cross intersection is what the Town needs to have. Anything less than that is asking for trouble and will not work.

Member Cruson said she supported Alternate Member Bourque's statement.

Cindy Thorell, 8 Winchester Court, said she has attended all the meetings and based on this intersection not going in for quite a few years, and recognizing that everything will be coming out onto Broadway, she was concerned of all the construction vehicles that would have to use Broadway.

Chairman Topliff thanked her for her input and said that it would certainly be something that the Board would have to put on their list when working through the process.

Susan Burt, Pembroke Street, said that Broadway failure is roughly 10 years. When the traffic comes out her driveway, which eventually will be part of the access road and proceed left to the light, how will it work? There is very little distance between the access road onto Broadway and the intersection. She felt that the traffic in the area would be excessive. In her opinion, an access road to Pembroke Street would be more important to get done sooner than later. Waiting 10 years seems too long. She wished the people who live in the homes across from Academy Road were present. She said they should have been approached because they may have an opinion on the subject.

Mike Hebert, Brittany Circle, said he felt that the project should be disapproved because it would cause havoc with the traffic.

Vice Chairman Seaworth said there seems to be some confusion. He said that Chairman Topliff said at the December meeting there were comments from the Board about a four-way intersection. He said that there may have been some implications tonight that if the proposal offered at this meeting went through and then the Town wanted a four-way intersection, it could create one. The Town would not need a four-way intersection without Ashwood Lane being there. So, the implication that somehow the Town wants to create a four-way intersection independent of this development, he hopes that that was not what is being stated tonight. Without the development, there is not a fourth leg to the existing three-way intersection.

Chairman Topliff said that he appreciated what had been presented tonight because it was definitely an improvement from what was presented last time and is definitely a step in the right direction. He said he also appreciated the Applicant's willingness to work through this, but said that he thought that the Board (1) really wants the Applicant to explore how Ashwood Lane can be aligned with the existing Academy Road intersection; and (2) give the Board an idea of what kind of cost that they are talking about.

As a Board, Chairman Topliff said he did not feel that they had the power to approve a plan that commits the Town to future spending but would discuss it with Town Counsel. Chairman Topliff explained that, as a Board member, eminent domain was not something that he would ever support or advocate unless all other avenues had previously been explored. It is a tremendously emotional and painful process to have someone's house taken away. He said that he would like to think that the Town is more sensitive to the rights of homeowners and their property and would do everything under the sun before showing up at the door with a sheriff's order saying that the town would be taking their house.

Alternate Member Bourque said he felt that the Applicant should speak to the Pembroke School District and the State to see if the State would even consider realigning Academy Road.

Member Cruson agreed and commented that the State's intentions are not always what happens in the stated period of time because of funding.

With regard to the map, Member Cruson asked if someone was coming out of Ashwood Lane and wanted to go to Concord, could they turn left.

Mr. Colburn said that they would have to proceed to Broadway and then take a left at the signal. Ashwood Lane is a connector between Pembroke Street and Broadway. It is one street. Ashwood Lane leads either to Pembroke Street to go Southbound or to Broadway to go Northbound. A driver cannot make a left at Ashwood onto Pembroke Street.

Member Cruson said she did not think that drivers would go out the other end out to Broadway. She thought that they would turn right onto Pembroke Street and find a way to loop around to come back up Pembroke Street.

Wayne Burt, Pembroke Street, said it has been his opinion from everything that he's heard, that the Applicant and all the people hired to support him, had an idea that this development was going to be some form of benefit to Pembroke. The attorney made it sound as if the Town should be putting money into this. He did not think that that was what should be happening. Even if the Town had a budget for this kind of thing, he thought that it was wrong. If the Applicant could point out how it benefits the Town of Pembroke, then perhaps he would stand behind it.

Mr. Burt said that he did not care if a piece of property costs the Applicant \$500,000 to get. If they want the project bad enough, spread the sum over a 100 properties and make the homes an additional \$50,000 each. He said that he did not want the Applicant to tell him that they were going to build 25 properties by his house along with every piece of construction equipment that will be there for 2-3 years and then come back for another piece of the project and still have no solution to the other end. He asked the Planning Board to stick to their guns.

Cindy Thorell, Winchester Court, said there were times when she has become upset at the traffic on Pembroke Street and has taken a right and gone through the light and then made a u-turn around the median at Academy Road in order to head North. She could anticipate that, in frustration, people would do something similar in order to go North from Ashwood Lane. She also said that she does not want her tax dollars going to a project that she never heard come up before this development came up. There has never been discussion or a reason to change the Academy Road intersection except for the development to be built.

Selectmen's Rep. Greco said the Applicant mentioned that the only way to go North is to come out onto Broadway, and, in Selectmen's Rep. Greco's opinion, entering Broadway to go North is probably the worst traffic situation we will have in the history of the Town.

Louis Caron, 8 Savage Court, asked if there was an unsignalized intersection analysis done for Ashwood Lane and Broadway. When an intersection analysis is done, it is determined how much of a delay will occur on various legs of the intersection. Given the configuration down there, the shortness of the distance from Ashwood to Route 3, there could be an extremely long delay within the project itself. It could be problematic because when people get frustrated and are driving, they tend to do crazy things. It is not unusual for someone to drive over a traffic median. People begin to look for traffic gaps and when they have been sitting there for 2-3 minutes, smaller gaps begin to look good and people take risks. He would like to know how much of a delay drivers can expect to see for the residents of the new project to finally get out onto Broadway. Mr. Caron said that there is a methodology for doing an unsignalized intersection analysis and would like it to be looked at.

Mr. Pernaw said that page 23, Table 4, provides that analysis. The level of service will be Level Service C during the morning peak hour and B during the evening peak hour. The Level Service is the calibration of the delay. C is between 15 and 25 seconds. B is between 10-15 seconds. That is highway capacity manual.

Tina Courtemanche asked what the peak hours were.

Mr. Pernaw said that the peak hour was between 7 to 8 a.m. The evening peak hour was from 4:15 to 5:15 p.m. He reminded the Board that changes from day to day because traffic is random but said that it generally fell in that area.

Mr. Caron asked what the queue was at the Broadway intersection and how much backup there would be from the traffic signal on Broadway.

Mr. Colburn said that, at the last meeting, Mr. Pernaw had a video that was run while the meeting was taking place and the video was a 5-hour queuing analysis at the intersection. It did not back up from the intersection of Ashwood and Broadway.

Chairman Topliff said that the video showed that traffic would not back up as far as where traffic would come out onto Broadway.

Member Bourque asked how much of the overall project would be completed before the Ashwood and Pembroke Street intersection would be constructed.

Mr. Colburn said that they are willing to discuss it further, but as shown on the plan, it would be 44 homes which is Phase 1 and 2. Phase 1 is a single lot and Phase 2 is the first piece of roadwork and 22 homes. Phase 3 is the second piece of roadwork and an additional 22 homes.

Member Bourque reiterated that the Applicant would have the complete road from Pembroke Street to Broadway done after Phase 1 and 2.

Mr. Colburn said yes, but after the December meeting there was conversation between two Board members who were also Roads Committee members about the discussion of the Roads Committee. At that time, the Applicant offered to go back to the Roads Committee to further discuss phasing. Mr. Colburn said that he received a letter from the Roads Committee which asked the Applicant to build all the roads before building the first house. The Applicant asked if that was really what they meant and the Committee said that what they meant was that all of Ashwood Lane be built before the first house is built. Mr. Colburn said that that was a topic that they would have to discuss further.

Vice Chairman Seaworth said although there were different opinions from various members of the Roads Committee, he thought that the general consensus was that building Ashwood Lane all the way through was what the Roads Committee was in favor of. He suggested the Applicant attend the April 4, 2017 Roads Committee meeting for clarification.

Selectmen's Rep. Greco said there were a variety of opinions. The Roads Committee had not made an official vote on any specific motion on what they wanted. They were going to wait on further development.

Chairman Topliff asked if there were any further questions. He then asked Mr. Colburn if he was clear on what the Board looking for. He asked Mr. Colburn how he would like to proceed.

Mr. Colburn said he understood that the Board would like the Applicant to purchase the two properties that oppose Academy Road and Pembroke Street such that Ashwood Lane can intersect Pembroke Street directly across from the existing Academy Road regardless of whether or not Academy Road at Pembroke Street is in failure today, 10 years from now with or without the project. In order to approve the project, Mr. Colburn said that the Board would like to see those intersections oppose one another.

Chairman Topliff said yes but that he would not go so far as to say that the Board is asking the Applicant to purchase them at this time. What would be appropriate is to have a conversation with the property owners to see what their willingness is. Chairman Topliff continued to say that the Town and Planning Board are planning to explore options to reduce the traffic along Pembroke Street. In Chairman Topliff's opinion, he did not think that realigning the intersection of Academy Road so that it comes out at a 90° angle would have a significant impact on the traffic flow and not at a point where the Town would want to spend \$500,000 to fix it.

Mr. Colburn said he understood the Board's position. He said that the position of the Applicant is that the Applicant owns 125 acres on the West side of Pembroke Street and that acreage touches Pembroke Street in only two places suitable for configuring an intersection. Pembroke Street is a State road. In 2004, the Applicant received a permit for the configuration that was proposed a few months ago for a project that proposed many more units than what they are proposing now. That continues to be a State road and the State has in their possession the current application to approve the same thing. The applicant would love to have a full access curb cut at Pembroke Street in the two locations

that he owns and has frontage at in order to build those intersections. The NHDOT told the Applicant in 2004 and again at the scoping meeting that they wanted to see the right-in and right-out. Mr. Colburn said that they created a plan that shows less density than is allowed by the current zoning and less density than was previously proposed. The traffic consultant has said the Applicant has proposed a safer alternative by restricting the curb cut at Pembroke Street and directing traffic to Broadway. The NHDOT, if they grant approval, will be saying the same thing yet the Applicant's team is stuck here and being told that they cannot do what everyone else says that they should do and what the zoning says that they are allowed to do and what the State of NH and engineering practices say that they can do. Mr. Colburn said that the abutters seem to think that the Applicant is asking for a handout but they are merely asking to be able to do what they are allowed to do by right. There is a certain amount of property rights here and the Applicant has owned 125 acres for 15-20 years. The zoning allows for what the Applicant is proposing. They are looking for a consensus on how they can move forward with the project.

Chairman Topliff asked if Mr. Colburn would like the Board to take a vote on the application tonight because he was not hearing much energy toward working toward a consensus.

Mr. Colburn said he was willing to send certified letters to both abutters. He also said that he was willing to reach out to the abutters and see where it takes them.

Chairman Topliff acknowledged that both the Applicant and the Town has a lot at stake and he hoped that everyone can be respectful and keep cool heads and continue to work toward a solution.

Member Cruson said that Mr. Colburn referenced 2004 and the name of the property owner at that time, but since 2004 and now, there have been major corporations that have moved from Concord to Manchester or from Concord to Hooksett. Hooksett's build-up of housing has been phenomenal. All has increased the traffic along Pembroke Street and had nothing to do with residences within Pembroke. It has changed the traffic flow immensely along Route 3 so the Town finds itself in a different situation from 2004.

Chairman Topliff said he recognizes the value of NHDOT and CNHRPC along with all the traffic studies, etc. but that there is a reason why Pembroke has a Planning Board and why it is empowered by the State Legislature, it is because they are the ones that are most impacted by whatever is being proposed. No one knows better than the residences of a community what the existing conditions are and are probably in a better position to know what the future might bring based upon future development. It is important for the Board to be comfortable with it.

Wayne Burt, Pembroke Street, asked if there was some kind of break-even point. He said that he has seen other projects in Pembroke where the applicant got half-way through the project and then had to give up and another developer finished the development. Is there a breakeven point where the Town could say that in order to give the Applicant some breathing room, they would be allowed to build 22 houses and X amount of road and at that point in time the Applicant would have to come to some conclusion as to what the

Town wants for the northern entrance. If they don't have it, the project would come to a halt. He said that 22 houses is not that much but he did not know what the break-even point was.

Chairman Topliff said that he did not know either. He asked if there were any further comments from the Board or the public before closing the public session. There being none, he thanked everyone for their input and patience. He said that the public would not be renoticed and encouraged them to monitor the Town website and Planning Board agenda and meeting notices in order to stay involved.

Chairman Topliff closed the public hearing at 8:33 pm and announced that it would be continued to April 25, 2017.

The Board recessed at 8:34 pm.

The Board reconvened at 8:40 pm.

Chairman Topliff said he may need to leave the meeting to attend a meeting with his employer and, therefore, would turn the meeting over to Vice Chairman Seaworth as acting Chairman.

### **New Business**

1. **Special Use Permit Application SUP-AC #17-301, Jeffrey Lewis, Northpoint Engineering, LLC, for Holly Rodriguez, owner of Tax Map 563, Lot 4, located at 23 Sheep Davis Rd. in Commercial Industrial (C1) Zone, Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant Jeff Lewis, on behalf of property owner Holly Rodriguez, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for construction of driveway and parking area. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This application is associated with Minor Site Plan application #17-101.
2. **Special Use Permit Application, SUP-WP #17-302, Jeffrey Lewis, Northpoint Engineering, LLC, for Holly Rodriguez, owner of Tax Map 563, Lot 4, located at 23 Sheep Davis Rd. in Commercial Industrial (C1) Zone, Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant Jeff Lewis, on behalf of property owner Holly Rodriguez, 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 Minor Site Plan application #17-101.
3. **Minor Site Plan Application #17-101, Jeffrey Lewis, Northpoint Engineering, LLC, for Holly Rodriguez, owner of Tax Map 563, Lot 4, located at 23 Sheep Davis Rd. in Commercial Industrial (C1) Zone,**

**Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant, Jeff Lewis, on behalf of property owner Holly Rodriguez, proposes to construct and pave approximately 8,000 square feet of land area to expand driveway and on-site parking at an existing commercial facility.

**Present:** Jeff Lewis, Northpoint Engineering and Holly Rodriguez

Ms. Verdile said because of her noticing error, the Applicant came to the Board last month to ask for input on a proposed plan that was different from the first plan that was submitted. The costs were out of control and the Applicant asked for advice on a new plan. She met with the Applicant and the Town Engineer to come up with a new plan. The Board was in favor of the new plan at the February meeting. There were no waiver requests with the new application. Ms. Verdile had no issues with completeness.

**MOTION:** Selectmen's Rep. Greco moved to accept the application as complete.  
Seconded by Member Bean.

**VOTE:**           B. Seaworth – Y                   R. Bean – Y                   K. Cruson – Y  
                  B. Edmonds – Y               L. Young – Y               V. Greco – Y  
                  A. Topliff - Y

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

Alternate Member Dyjak asked how many handicapped parking spaces were required.

Ms. Verdile said the agent could answer once the public hearing was opened.

Vice Chairman Seaworth opened the public hearing at 8:49 pm.

Mr. Lewis said they have a site plan application, and two special use permit applications -- one for the aquifer conservation district and one because they are working within 25 feet of a wetland. He said the project was a very low intense use in terms of being in the aquifer conservation district. Their primary focus of the site plan was addressing the storm water runoff to be in compliance with the regulations. There are not a lot of hazardous materials stored on the site. It is all in very small quantities.

They discovered the construction costs were much too high using the last plan that was submitted. The Applicant presented an alternative plan to the Board and had already met with Ms. Verdile and Mr. Vignale. The second plan that was shown to the Board last month is the plan that they now formally submit. They also have a full grading and drainage plan.

The existing day spa is at 23 Sheep Davis Road. It is an existing building. The parking was on an adjacent lot. There was no formal easement or right in perpetuity to use that parking lot. The Applicant needs to construct a parking lot on her lot in order to operate

the day spa. The site is a narrow lot and has a large wetland area. They are trying to maximize what can be done on the land. They have 22 proposed parking spaces, which is comparable to what they have on the other lot. There is a requirement for handicapped parking spaces, which is based on the number of parking spaces in the parking lot. For 1-25 parking spaces, one handicapped spot is required.

Mr. Lewis said that they are proposing one handicap parking space in the back and building a ramp to get into the building from the rear.

With regard to grading, the plan will sheet drain the runoff to the back of the site, there is a shallow bio-retention swale to capture the runoff and infiltrate into the ground. In the larger storms, it will overflow into the wetlands and follow the stream channel into the stream. There is no expansion of the use and no addition to the building.

Mr. Lewis said they have reviewed the staff report that Ms. Verdile prepared along with the recommended conditions of approval. They are trying to get the parking lot constructed this spring. The Applicant would like at least a conditional approval tonight so that they can wrap up the construction in April.

Mr. Lewis said they came in last month with a conceptual plan expecting that they may have difficulty meeting the requirements of the aquifer conservation district in terms of ground water recharge. At that time, the Applicant asked if they would need a waiver for relief but they have been able to meet the regulations. Mr. Vignale has reviewed it and the Applicant did not need any relief.

There being no further questions from the Board or the public, Vice chairman Seaworth closed the public hearing at 9:02 pm. He said that if the Application is continued to a future meeting, the abutters will not be renoticed and advised them to follow the Planning Board agenda on the Town's website.

**MOTION:** Member Bourque moved to approve the Special Use Permit Case #17-301-SUP-AC with the following conditions to be included as notes on the final site plan:

1. "Special Use Permit, Case #17-301-SUP-AC, for activity within the Aquifer Conservation District is granted conditionally under the related Case #17-101. This Special Use Permit becomes final for as long as Case #17-101, for construction of driveway and parking area is approved. If at any time the related case is revoked or final approval is not received, this Special Use Permit becomes invalid.
2. "A Special Use Permit for activity within the Aquifer Conservation District was granted on March 21, 2017 by the Planning Board. The approval is contingent upon all provisions of the Town of Pembroke Zoning Chapter 143, Article 143-68.E, Aquifer Conservation District, being followed."

Seconded by Member Young.

<b>VOTE:</b>	B. Seaworth – Y	R. Bean – Y	K. Cruson – Y
	B. Edmonds – Y	L. Young – Y	V. Greco – Y

A. Topliff - Y

**MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #17-301-SUP-AC WITH THE FOLLOWING CONDITIONS TO BE INCLUDED AS NOTES ON THE FINAL SITE PLAN:**

1. **“SPECIAL USE PERMIT, CASE #17-301-SUP-AC, FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNDER THE RELATED CASE #17-101. THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS CASE #17-101, FOR CONSTRUCTION OF DRIVEWAY AND PARKING AREA IS APPROVED. IF AT ANY TIME THE RELATED CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID.**
2. **“A SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON MARCH 21, 2017 BY THE PLANNING BOARD. THE APPROVAL IS CONTINGENT UPON ALL PROVISIONS OF THE TOWN OF PEMBROKE ZONING CHAPTER 143, ARTICLE 143-68.E, AQUIFER CONSERVATION DISTRICT, BEING FOLLOWED.”**

**PASSED ON A 7-0 VOTE.**

**MOTION:** Member Bourque moved to approve the Special Use Permit Case #17-302-SUP-WP with the following conditions to be included as notes on the final site plan:

1. This Special Use Permit is for proposed work within 20' of a wetland in the Wetland Protection (WP) District for the construction of a parking lot may include work within a wetland and wetland buffer and shall be constructed according to the submitted plans and the NHDES permit conditions of approval.
2. This SUP was granted on March 21, 2017, and is granted conditionally until Case #17-101, Minor Site Plan application, has received final approval, at which time this Special Use Permit becomes final for as long as the Case is approved. If at any time the application: is revoked, the NHDES permit is revoked, or final approval is not received, this Special Use Permit becomes invalid.

Seconded by Member Young.

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

**MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #17-302-SUP-WP WITH THE FOLLOWING CONDITIONS TO BE INCLUDED AS NOTES ON THE FINAL SITE PLAN:**

1. **THIS SPECIAL USE PERMIT IS FOR PROPOSED WORK WITHIN 20' OF A WETLAND IN THE WETLAND PROTECTION (WP) DISTRICT FOR THE**

**CONSTRUCTION OF A PARKING LOT MAY INCLUDE WORK WITHIN A WETLAND AND WETLAND BUFFER AND SHALL BE CONSTRUCTED ACCORDING TO THE SUBMITTED PLANS AND THE NHDES PERMIT CONDITIONS OF APPROVAL.**

- 2. THIS SUP WAS GRANTED ON MARCH 21, 2017, AND IS GRANTED CONDITIONALLY UNTIL CASE #17-101, MINOR SITE PLAN APPLICATION, HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE APPLICATION: IS REVOKED, THE NHDES PERMIT IS REVOKED, OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID.**

**PASSED ON A 7-0 VOTE.**

**MOTION:** Member Bourque moved to approve minor site plan application #17-101 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.
2. Construction Inspection escrow and Construction Restoration escrow per KV Partners, shall be submitted prior to final plan signature.
3. Applicant is notified through this notice that no site work shall begin and town demolition and/or building permits will not be issued until the final plan is signed, the Notice of Decision is recorded, and applicable engineering escrow funds have been submitted to the town.
4. After plan signature, escrow submission, the Notice of Decision is recorded, and prior to issuance of building permits and/or beginning site work; the applicant shall coordinate with Town Planner, Code Enforcement Officer, and Town Engineer to arrange an on-site, pre-construction meeting.
5. The site plan will not be considered as having received final approval until all applicable conditions of approval are met, the final plan is signed, construction escrow has been submitted, and the Notice of Decision is recorded.
6. As applicable, prior to the release of site restoration and or inspection escrow funds, the applicant shall submit an As- built-revised site plan that reflects any changes made during construction to be approved by the Planner.

Seconded by Chairman Topliff.

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

**MOTION TO APPROVE MINOR SITE PLAN APPLICATION #17-101 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.**

2. **CONSTRUCTION INSPECTION ESCROW AND CONSTRUCTION RESTORATION ESCROW PER KV PARTNERS, SHALL BE SUBMITTED PRIOR TO FINAL PLAN SIGNATURE.**
  3. **APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT NO SITE WORK SHALL BEGIN AND TOWN DEMOLITION AND/OR BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED, THE NOTICE OF DECISION IS RECORDED, AND APPLICABLE ENGINEERING ESCROW FUNDS HAVE BEEN SUBMITTED TO THE TOWN.**
  4. **AFTER PLAN SIGNATURE, ESCROW SUBMISSION, THE NOTICE OF DECISION IS RECORDED, AND PRIOR TO ISSUANCE OF BUILDING PERMITS AND/OR BEGINNING SITE WORK; THE APPLICANT SHALL COORDINATE WITH TOWN PLANNER, CODE ENFORCEMENT OFFICER, AND TOWN ENGINEER TO ARRANGE AN ON-SITE, PRE-CONSTRUCTION MEETING.**
  5. **THE SITE PLAN WILL NOT BE CONSIDERED AS HAVING RECEIVED FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET, THE FINAL PLAN IS SIGNED, CONSTRUCTION ESCROW HAS BEEN SUBMITTED, AND THE NOTICE OF DECISION IS RECORDED.**
  6. **AS APPLICABLE, PRIOR TO THE RELEASE OF SITE RESTORATION AND OR INSPECTION ESCROW FUNDS, THE APPLICANT SHALL SUBMIT AN AS- BUILT-REVISED SITE PLAN THAT REFLECTS ANY CHANGES MADE DURING CONSTRUCTION TO BE APPROVED BY THE PLANNER.**
- PASSED ON A 7-0 VOTE.**

Chairman Topliff did not have to leave the meeting and so he resumed as Chairman.

4. **Special Use Permit Application, SUP-AC #17-303, Ken Rhodes, CLD Consulting Engineers, Inc. on behalf of Steve Creed of Pembroke AG Holdings, LLC, owners of Tax Map and Lot 634-43-2 located at 560 Pembroke Street and Gordon Welch of PPG Development, LLC, owners of Tax Map and Lot 634-47, located at 612-644 Pembroke Street in the Soucook River (SR) Development District, Architectural Design(AD) District and the Aquifer Conservation (AC) District.** The applicant Ken Rhodes, on behalf of property owners, Steve Creed of Pembroke AG Holdings, LLC and Gordon Welch of PPG Development, LLC, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, for construction of a future town road. A Special Use Permit is required for any activity that is taking place within the Aquifer Conservation (AC) District. This permit is associated with the Minor Subdivision Application #17-01.
5. **Minor Subdivision Application #17-01, Ken Rhodes, CLD Consulting Engineers, Inc. on behalf of Steve Creed of Pembroke AG Holdings, LLC, owners of Tax Map and Lot 634-43-2 located at 560 Pembroke Street and Gordon Welch of PPG Development, LLC, owners of Tax Map and Lot 634-47, located at 612-644 Pembroke Street in the Soucook River (SR) Development District, Architectural Design(AD) District and the Aquifer Conservation (AC) District.** The applicant proposes to perform a Lot Line Adjustment within Lot 634-47 as well as a minor subdivision of Lot 634-43-2 in

order to convey land to the Town of Pembroke for road right-of way area for the construction of Cooperative Way (Extension) and Kline Way.

**Present:** Ken Rhodes, Steve Creed, and Gordon Welch.

Ms. Verdile said the application is for the Loop Road which will be completed this summer. The application entitles the property owners to transfer land in order for the land to become a Town road. There are a few waiver requests with the Subdivision Regulations and the Special Use Permit. The waivers are listed in the Staff Report as D, I, J, K, L, M, N, O, S, and W. There was a typo in the information submitted by the Applicant. They had X as a waiver request and it should have been W. Ms. Verdile said she supported the waiver requests because they are not applicable to the application.

**MOTION:** Vice Chairman Seaworth moved to grant the Waiver Requests for the Special Use Permit for Part C, Items A, B, and C and on the Minor Subdivision Plan Part A, Items D, I, J, K, L, M, N, O, S, W. Seconded by Selectmen's Rep. Greco.

**VOTE:**

B. Seaworth – Y	R. Bean – Y	K. Cruson – Y
B. Edmonds – Y	L. Young – Y	V. Greco – Y
A. Topliff - Y		

**MOTION TO GRANT THE WAIVER REQUESTS FOR THE SPECIAL USE PERMIT FOR PART C, ITEMS A, B, AND C AND ON THE MINOR SUBDIVISION PLAN PART A, ITEMS D, I, J, K, L, M, N, O, S, W PASSED ON A 7-0 VOTE.**

**MOTION:** Member Bourque moved to accept the Application as complete. Seconded by Member Bean.

**VOTE:**

B. Seaworth – Y	R. Bean – Y	K. Cruson – Y
B. Edmonds – Y	L. Young – Y	V. Greco – Y
A. Topliff - Y		

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

Chairman Topliff opened the public hearing at 9:16 p.m.

Mr. Rhodes showed the plan that was approved in 2006. The whole idea was to improve Route 3 and create access through a limited access way. The first planning kickoff meeting will be on Tuesday, March 28, 2017.

Mr. Rhodes said until it was all laid out and funded, some of the land issues were not quite ready to be mature, but this application is as straight forward as it sounds. Everything has fallen into place nicely. He said this now sets the stage for Mr. Creed and Mr. Gordon to have some exciting projects. The final approval gets the property issues straightened away.

There being no questions from the Board or the public, Chairman Topliff closed the public hearing at 9:27 pm. He said that if consideration of the application was not concluded this evening, it would be continued to a future Planning Board meeting and would not be renoticed.

**MOTION:** Vice Chairman Seaworth moved to approve the Special Use Permit Case #17-303-SUP-AC with the following conditions to be included as notes on the final plan:

1. Special Use Permit, SUP-AC #17-303, for activity within the Aquifer Conservation District is granted conditionally until the related Case #17-01, Minor Subdivision Application, Pembroke AG Holdings and PPG Development has received final approval, at such time this Special Use Permit becomes final and will remain final for as long as Case #17-01, Minor Subdivision Application, is approved. If at any time the related case is revoked or final approval is not received, this Special Use Permit becomes invalid.
2. A Special Use Permit for activity within the Aquifer Conservation District was granted on March 21, 2017 by the Planning Board. The approval is contingent upon all provisions of the Town of Pembroke Zoning Chapter 143, Article 143-68.E, Aquifer Conservation District, being followed.

Seconded by Member Cruson.

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

**MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #17-303-SUP-AC WITH THE FOLLOWING CONDITIONS TO BE INCLUDED AS NOTES ON THE FINAL PLAN:**

1. **SPECIAL USE PERMIT, SUP-AC #17-303, FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL THE RELATED CASE #17-01, MINOR SUBDIVISION APPLICATION, PEMBROKE AG HOLDINGS AND PPG DEVELOPMENT HAS RECEIVED FINAL APPROVAL, AT SUCH TIME THIS SPECIAL USE PERMIT BECOMES FINAL AND WILL REMAIN FINAL FOR AS LONG AS CASE #17-01, MINOR SUBDIVISION APPLICATION, IS APPROVED. IF AT ANY TIME THE RELATED CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID.**
2. **A SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON MARCH 21, 2017 BY THE PLANNING BOARD. THE APPROVAL IS CONTINGENT UPON ALL PROVISIONS OF THE TOWN OF PEMBROKE ZONING CHAPTER 143, ARTICLE 143-68.E, AQUIFER CONSERVATION DISTRICT, BEING FOLLOWED.**

**PASSED ON A 7-0 VOTE.**

**MOTION:** Vice Chairman Seaworth moved to approve the Minor Subdivision Plan Application, Case #17-01, with the following conditions to be completed prior to the final plan being signed:

1. Provide the original signatures of all property owners and professionals on the final plan.
2. Monuments are to be set in all required locations.
3. Checklist waivers that were granted are to be listed completely on the plan with the date they were granted.
4. Update the names of the roads on the final plans to be "Cooperative Way" and "Kline Way"

Seconded by Selectmen's Rep. Greco.

**VOTE:**

B. Seaworth – Y	R. Bean – Y	K. Cruson – Y
B. Edmonds – Y	L. Young – Y	V. Greco – Y
A. Topliff - Y		

**MOTION TO APPROVE THE MINOR SUBDIVISION PLAN APPLICATION, CASE #17-01, WITH THE FOLLOWING CONDITIONS TO BE COMPLETED PRIOR TO THE FINAL PLAN BEING SIGNED:**

1. PROVIDE THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS AND PROFESSIONALS ON THE FINAL PLAN.
2. MONUMENTS ARE TO BE SET IN ALL REQUIRED LOCATIONS.
3. CHECKLIST WAIVERS THAT WERE GRANTED ARE TO BE LISTED COMPLETELY ON THE PLAN WITH THE DATE THEY WERE GRANTED.
4. UPDATE THE NAMES OF THE ROADS ON THE FINAL PLANS TO BE "COOPERATIVE WAY" AND "KLINE WAY".

**PASSED ON A 7-0 VOTE.**

**Minutes-** February 28, 2017.

**MOTION: VICE CHAIRMAN SEAWORTH MOVED TO ACCEPT THE MEETING MINUTES OF FEBRUARY 28, 2017 AS AMENDED. SECONDED BY MEMBER YOUNG. UNANIMOUSLY APPROVED.**

**Miscellaneous**

**1. Correspondence-**

Ms. Verdile said she received the Planning magazine, Business NH magazine, and an e-mail reminder of the upcoming conference.

**2. Committee Reports-**

Conservation Commission: Member Edmonds said there were two presentations given by two property owners. One by the heirs to Dale Robinson's property and one on the former Poirier subdivision property on Center Road for possible acquisition for conservation land. He said that the problem was that the Conservation Commission has very little money. The Commission will explore funding availability alternatives to see if they can go after one or both of the properties.

With Dale Robinson's property, the house with a certain amount of land would be split out from the majority of the land and the remaining land would be considered Conservation Commission land. Of the two parcels, Member Edmonds said that the Robinson property has the most problems to contend with such as title issues and liens. It is approximately 100 acres.

The Center Road property is approximately 103 acres. Mr. Poirier's partner, Jim Coughlin, made the presentation to the Conservation Commission and is looking to explore any type of reasonable sale for the property.

Board of Selectmen: Selectmen's Rep. Greco said that the Board welcomed Sandy Goulet as the newest Selectman.

Roads Committee: Vice Chairman Seaworth said that the Roads Committee will meet April 4, 2017.

### 3. Planner Items- April Worksession Trail Discussion with RPC

Ms. Verdile said that the April business meeting would include Pembroke Meadows, but no new applications have been submitted.

The April 11, 2017 work session will include CNHRPC with maps of the properties and existing trails by the river. They are also excited to explore a transportation plan.

With regard to the Allenstown/Pembroke downtown charette, Ms. Verdile said that Mr. Jodoin would like to know if any member of the Planning Board would like to sit on the Allenstown/Pembroke committee. Selectman Sheldon will sit on the board from the Board of Selectmen. Mr. Monahan will e-mail Ms. Verdile the dates of available meetings and she will forward them to the Planning Board.

Ms. Verdile said that the work in progress involves the redevelopment of the China Mill.

The Regional Transportation Improvement Plan was included in the Planning Board's packet for their review. They will discuss it at the next meeting.

The Regional Planning Transportation Data collection should be reviewed. The Roads Committee will review the list first. Ms. Verdile will forward it to Jim Boisvert.

Ms. Verdile said that she was still taking orders for the conference. The deadline is April 21, 2017. She sent the Board members the application and class choices. Anyone interested in going should contact her.

#### 4. Board Member Items-

Chairman Topliff welcomed Selectmen's Rep. Goulet and the new Planning Board Alternate, Ms. Dyjak.

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

The meeting was adjourned at 9:47 p.m.

Respectfully submitted,  
Jocelyn Carlucci, Recording Secretary