

**Pembroke Planning Board
Meeting Minutes
(ADOPTED)
May 14, 2019**

MEMBERS PRESENT: Brian Seaworth, Chair; Kathy Cruson; Brent Edmonds; Robert Bourque; Selectman's Rep. Ann Bond

ALTERNATES PRESENT: Clint Hanson; Dan Crean

EXCUSED: Timothy Goldthwaite; Alan Topliff, Vice Chair

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

GUEST: Matt Monahan, Craig Tufts, and Joanne Cassulo of Central NH Regional Planning Commission (CNHRPC)

Chairman Seaworth called the meeting to order at 7:00 pm.

Chairman Seaworth said that Vice Chairman Topliff would not be attending the meeting. Alternate Member Crean agreed to vote in Vice Chairman Topliff's place.

Ms. Cronin read aloud Member Goldthwaite's resignation letter.

Chairman Seaworth said that the Board now has an opening for a full member. He asked Alternate Member Crean if he would like to be appointed a full member. Alternate Member Crean replied that he would prefer to remain an alternate at this time.

Appointments:

1. MS4 Stormwater Requirements Introduction Matt Monahan, Central NH Regional Planning Commission.

Mr. Monahan said that "MS4" stands for municipal separate storm sewer system. He said that the Environmental Protection Agency (EPA) has granted the Town a permit to enforce the EPA stormwater discharge requirements. Mike Vignale, the Town Engineer, Carolyn Cronin and Mr. Monahan presently are working through the process.

He said that the Notice of Intent was filed in October 2018. The Stormwater Management Plan must be filed by June 30, 2019. The Year 1 report is due no later than September 30, 2019.

Mr. Monahan said that the Stormwater Management Plan must outline how the Town will address the 6 minimum control measures (2.3 – Public Education and Outreach; 2.4 – Public Participation/Involvement; 2.5 – Illicit Discharge Detection and Elimination; 2.6 – Construction Site Runoff Control; 2.7 – Post-Construction Runoff Control; 2.8 – Pollution Prevention/Good Housekeeping).

Mike Vignale, the Town's engineer, has worked with other towns on their MS4, and is familiar with the process.

2.3 – Public Education and Outreach should describe how the Town is going to educate the residents on new practices. Mr. Monahan said that they have been working on flyers and the website.

2.4 – Public Participation consists of informing the residents on the right-to-know request and the basics on conducting itself as an open government.

2.5 - Illicit Discharge Detection and Elimination is the bulk of the project. It will include the Police Power Ordinance which is handled by the Board of Selectmen, and the stormwater mapping and testing, which Mr. Vignale will complete most of.

2.6 - Construction Site Runoff includes a post-construction stormwater ordinance created by the Planning Board. It must consist of the design for stormwater management, how the water is dealt with, and disconnected impervious. It pertains to the site plan/subdivision plan regulations.

2.7 – Post-Construction Runoff Control consists of the erosion control measures outlined in the Town's site plans and subdivision plans. One of the requirements is to have a site plan review. The data is required to be cataloged in the plan and in the September 30 year-end report.

2.8 - Pollution Prevention/Good Housekeeping is geared toward Town facilities such as the Department of Public Works, the Libraries, Schools, etc.

Mr. Monahan said that the CNHRPC is trying to find ways to cut costs, share information, and make it easier for Pembroke and Allentown to deal with the MS4 requirements.

Alternate Member Crean asked why the Board of Selectmen would handle the Police Power Ordinance rather than Town meeting.

Mr. Monahan said that it is more of a code issue as opposed to a land use ordinance.

Alternate Member Crean said that because it is an ordinance, it is required to go through Town meeting unless there is specific authorization. He said that there are significant consequences. He urged the Board to design specific wording rather than vague wording, in order to avoid having the EPA tell the Town what to do.

Mr. Monahan agreed and said that the plan is more high level. There is a draft of an enforcement ordinance already started. It will outline the penalties for certain violations along with a timeline to fix each violation.

Alternate Member Crean asked what entity authorized the ordinance to be adopted by the Board of Selectmen rather than at Town meeting.

Mr. Monahan said that his understanding was that there are 2 types of ordinances: the Land Use Zoning Ordinance which is adopted at Town meeting and the Police Power Ordinance adopted by the Board of Selectmen.

Alternate Member Crean said that the ordinances must go through Town meeting.

Mr. Monahan said that he will look into it.

He went on to say that the permit tells the Town to adopt the language/regulation to enforce penalties against illicit discharges.

He said that there is also a land use-related zoning ordinance change which is the post-construction ordinance. It governs the design for stormwater calculations, etc.

Mr. Monahan said that the Land Use ordinance will be tailored to the Town's needs but was taken from a model ordinance from Southeast NH Stormwater Coalition.

It was noted that the MS4 Permit Area map did not clearly identify Town streets that would be affected by the project. Mr. Monahan said that the boundaries were taken from census tracts which focused on higher density districts.

Member Bourque said that the boundaries should be clearly defined.

Mr. Monahan said that the Clean Water Act required the separation of stormwater and sewer water which is considered illicit discharges.

Alternate Member Crean said that infiltration, such as Pembroke and Allentown groundwater, was going into the sewer system and being sent to the Sewer Treatment Plant. The Sewer Commission spent a lot of money addressing infiltration. He did not know if it had been resolved.

Mr. Monahan said that the planning for illicit discharges will be done by Mr. Vignale.

Alternate Member Crean asked if there were municipalities that had approved Stormwater Management Plans. He said that if a comparable community had an approved plan, perhaps Pembroke could work from that as a guide.

Mr. Monahan said that they are presently drawing on information from other communities.

Mr. Monahan said that there are towns that are not required to do an MS4 this year. In 2021, there will be a new set of boundaries which will include other towns.

The CNHRPC website will contain a link to the Pembroke MS4. Pembroke's website will also have a link to the CNHRPC website.

Mr. Monahan said that the Road Agent, with the help of the Town Engineer, will be responsible for road runoff, construction, etc.

With regard to new construction, the plan has various people and entities handling different portions. The Planning Board is responsible for the permitting process. The stormwater management and erosion control is built into the site plan process.

Chairman Seaworth said that the federal permit puts certain requirements on the town, but the Planning Board will have to translate those requirements to an outside entity coming into the town to build. To get Site Plan approval, the Board will have to make sure that those developers are complying with the town plan. The Board also has to make sure that whatever is necessary to ensure that they are complying is the responsibility of the applicant. For example, the Board would not want the Department of Public Works testing every site. Instead the Board would outline all the things that the applicant must follow and require the applicant to hire a consultant that will turn in reports to the Town that indicates that all requirements have been completed.

Mr. Monahan said that the more that can be shifted to a consulting engineer, the easier it will be for the Town. He said that the paperwork is daunting.

Chairman Seaworth said that the Planning Board will be responsible for changes in the Site Plan and Subdivision regulations.

2. Master Plan Discussion with Craig Tufts and Joanne Cassulo, Central NH Regional Planning Commission.
 - a. Transportation Chapter

Mr. Tufts said one of the suggestions made at the last meeting was crosswalks along Route 3. He said that he looked at 4 miles of sidewalks on Route 3 and found that there were only 2 marked crosswalks.

He also made an edit to the bicycle/pedestrian section and mapped out the sidewalks.

The rail trail was a large topic that is also part of another project that CNHRPC is working on – the Suncook Valley Trail plans. He is hoping on setting up a meeting with people from Pembroke to do visioning and planning for the trails which will feed into the Master Plan.

Mr. Tufts said that a Route 3 Corridor Study was discussed at the last meeting. Mike Tardiff from CNHRPC had agreed that a complete Route 3 Corridor Study would be important to do in the next few years.

With regard to sidewalks along Pembroke Street, Mr. Tufts said that a corridor study would look at the deficiencies and, if there was a 10-year project for Route 3, the sidewalks could be part of the project.

Selectmen's Rep. Bond said that the Town owns the sidewalks along Pembroke Street even though it is a State road.

Alternate Member Crean asked if the Town could get documentation stating what the Town is responsible for along Pembroke Street. Selectmen's Rep. Bond said that she would look into it.

Alternate Member Crean asked who would be responsible for putting in crosswalks.

Mr. Tufts said that the State would tell the Town if they are permitted to add a crosswalk or not and the Town would be responsible for putting it in and maintaining it.

Chairman Seaworth said that the only real plan in the Master Plan is to push to get the corridor study done to determine where we can go from here.

There was a short discussion on alternative routes to Route 3.

Mr. Tufts said that his understanding was that an alternative route to Pembroke Street was not for a traffic relief measure, but rather for emergency access and secondary option for a cut-through.

Mr. Tufts reiterated that it was made clear that the residents did not want Route 3 to be like Hooksett. He said that Route 3 is more than a transportation corridor. It is more about community, architecture, and how it creates a feel for the Town.

He also said that the Corridor Study could be funded in part by NHDOT Planning Funds or other funds that they would have to look for.

Ms. Cronin suggested adding a bullet to the Route 3 Corridor Study that would include exploring Route 3 alternatives. She also said that it could be made as a separate objective that would read: Conduct a study to look at alternatives to Route 3 for specific reasons or for the following reasons.

Mr. Tufts said that he could strengthen the urgency of doing a Corridor Study in the wording. In the visioning sessions, he said that he heard more about the community corridor/character than just the traffic congestion and that is why the chapter was phrased as such.

He said that the corridor study would not be ignoring the traffic congestion issues and the capacity of the intersections, but the plan was countering that narrative that traffic congestion is driving all the decisions of transportation. The narrative that he is hearing is that is that it is more than just traffic, it's place-making and community character.

Mr. Tufts said that he is understanding that this is an important issue and that the corridor study is critical. He said that it is very important that everyone has a clear sense of what

the issues are. He said he does not want to totally change the tone of the chapter in one meeting but he wants to be sure that the Board wishes to change the approach.

Ms. Cronin asked if the Board was satisfied with the wording of the Route 3 corridor study recommendation or if there was anything that the Board would like to add.

Mr. Tufts said that he could look at alternatives outside of the corridor that may affect traffic along Route 3.

Alternate Member Crean suggested adding to page 7.16: Conduct a Pembroke Street Corridor Study as outlined on Page 7.4 as soon as feasible.

Mr. Tufts said that in the bullet, he could reference the text box on page 7.4.

b. Community Heritage & Sense of Place Chapter

Ms. Cassulo said that she worked closely with Jim Garvin. She said that this chapter is the one place that speaks to the sense of place that is Pembroke. The survey revealed that people like the events that go on in town and they like the sense of community and the historic resources that are available. She pointed out that Jim Garvin took the photos of some of the historic homes. She also said that Mr. Garvin helped her reduce the Cultural Resource Chapter from the 2004 Master Plan while keeping the flavor of the historical significance of parts of Pembroke. The appendices will include the earlier history that was in the previous Master Plan.

There is a map that will go with the chapter which Mr. Garvin is vetting.

c. Natural Resources Chapter

Ms. Cassulo said that Rick Van de Poll created a 2016 Natural Resource Inventory with many GIS maps attached to it. He drafted a new chapter in 2017 and the Conservation Commission (specifically Brian Mrazik) worked on it.

She said that her charge was to look at the 2017 chapter and condense it to fit into this Master Plan. She worked with Mr. Crean, Dana Carlucci, and Ammy Heiser. She encouraged the Board to focus on the objectives and recommendations which were only a portion of the objectives and recommendations from the 2017 chapter.

The endangered species and wetlands functions were done by Rick Van de Poll. She said that there was very large amount of work that went into the study and Pembroke was very lucky to have such information.

She said that many towns develop a point system that is used to flag resources and help decide their value for purchasing or developing.

Member Crean said that he did not see, as one of the objectives or recommendations, a rational plan about prioritizing or acquiring open space.

Chairman Seaworth said that he has heard from the Conservation Commission that they have been attempting to prioritize land. Land connectivity is high on their priority list. He asked if that fact was being translated into the Master Plan.

In using the term open space, he explained that it goes into two directions: (1) conservation land which is purchased by the Town through Current Use funds. (2) The Planning Board has open space that is approved as part of a subdivision or site plan which does not necessarily come under conservation except as comments and it certainly does not fall into the process that Member Crean was talking about. He said that perhaps the Board needs to make it a more holistic process which looks at conservation purchases at site plan approvals but making a unified process.

The Conservation Commission's task is to look at the conservation of the natural resources exclusively. He said that when the Planning Board talks about open space, the Board is not restricted in that way. They can ask the developer to provide open space for purposes other than what the Conservation Commission would prioritize.

Ms. Cassulo said that usually the topic of athletic fields and other land uses are covered in the Community Facilities Chapter.

She said that the Land Use Chapter also pulls in the discussion of open space. It addresses the broader connection.

She also said that they created a piece of habitat loss and fragmentation which is all about connectivity and natural resources. There is also an unfragmented lands map. Ms. Cassulo said that, if the Board wanted, she could write a little bit more about it, along with the recommendation about the parcel assessment methodology to rank parcels for acquisition and conservation easements.

Member Bourque said that, at the Planning Board, it is the applicant that decides whether they will create an open space development or a regular development which is how the Town ends up with a patchwork of small pieces of land.

Ms. Cronin says that the common theme that she is hearing is that the Board could codify in the Master Plan that the open space ordinance needs to be reviewed. It may also be more appropriate in the Land Use Chapter rather than the Natural Resources Chapter.

Member Crean said that it is possible to cross-reference items.

Member Edmonds said that the primary mission of the Conservation Commission is the conservation and propagation of the natural resources. The secondary mission is related to open space – promotion, acquisition, and development wherever feasible. It all fits together.

Old Business

MOTION: Member Edmonds moved to defer Old Business to another work session.

Ms. Cronin will e-mail the corner clearance photos to the Board members.

Member Bourque said that he would like to comment on Dead End Streets and Cul-de-sacs. He said that the Board needs to stop the development of dead-end streets and cul-de-sacs. He said that the Board may want to consider restricting a cul-de-sac to a certain number of homes or street length.

Chairman Seaworth pointed out that Hooksett's cul-de-sacs cannot exceed 1200 ft. or be less than 500 ft. They are also limited to no more than 40 houses or less than 5 houses. Hooksett's cul-de-sacs must only connect to thru-streets.

Member Bourque said that traditionally the Board did not allow dead-end streets over 600 ft. He said that the Board has not enforced the 600 ft. rule for a long time and, instead, the homes were equipped with sprinkler systems.

He suggested that the Board look into a regulation that outlines the number of houses that will be allowed on a cul-de-sac. If the developer exceeds that number, the road must connect to another road for a second exit for fire, ambulances, and general safety issues.

He also said that Bow's dead-end streets are limited to 12 lots otherwise connectivity to another road is required for a second exit.

Chairman Seaworth said that since the Fire Department no longer considers the road length to be an issue, he said that perhaps the number of houses should be the better way to determine where there is a problem.

MOTION: MEMBER CRUSON MOVED TO TABLE THE REMAINING OLD BUSINESS AGENDA ITEMS TO THE NEXT WORK SESSION. SECONDED BY SELECTMEN'S REP. BOND. UNANIMOUSLY APPROVED.

Minutes: April 23, 2019

MOTION: SELECTMEN'S REP. BOND MOVED TO ACCEPT THE APRIL 23, 2019 MINUTES AS AMENDED. SECONDED BY MEMBER BOURQUE. UNANIMOUSLY APPROVED.

Because of numerous requests by residents, it was suggested that all letters read aloud at the Board meetings be scanned and attached to the minutes.

Miscellaneous

1. Correspondence

Chairman Seaworth asked for volunteers to represent the Board on the CIP and the Roads Committee. Member Bourque agreed to the CIP Committee and Chairman Seaworth agreed to take the Roads Committee.

MOTION: MEMBER BOURQUE MOVED TO ACCEPT THE POSITION OF PLANNING BOARD REP. TO THE CIP COMMITTEE. SECONDED BY MEMBER CRUSON. UNANIMOUSLY APPROVED.

MOTION: CHAIRMAN SEAWORTH MOVED TO ACCEPT THE POSITION OF PLANNING BOARD REP. TO THE ROADS COMMITTEE. SECONDED BY MEMBER CRUSON. UNANIMOUSLY APPROVED.

2. Committee Reports

Conservation Commission: Member Edmonds said that the Power Company is taking down the trees affected by the emerald ash borer.

He also said that the Commission voted to allow Ammy Heiser to sign the deed for the Center Hill property which consists of approximately 100 acres. The purchase price was \$180,000.

The Commission will be submitting comments to the Board of Selectmen and the Planner on the Fourth Range Road project.

Zoning Board: Member Bourque said that the last Zoning Board meeting had three agenda items of which two were withdrawn. One of the withdrawn projects was the commercial horse farm across from Kimball's CAVern.

Ms. Cronin said that the proposed horse stable was discontinued because they could not come to terms with the property owner. It had nothing to do with the Town or the process.

Tri-Town Ambulance: Member Bourque said that they continue to have issues with Ambulance #8. They are also looking into purchasing a new chassis for Ambulance #3.

Board of Selectmen: Liberty Utility is having a meeting at 5:30 pm on May 23, 2019. They are running a gas line down Donna Drive and Nadine Drive to get to the country club.

Lot 4 and Lot 6 Union Street will be merged and sold as one lot.

There will be a public hearing May 20, 2019 at 6:30 pm at Town Hall to discuss the Union Street problems with parking on both sides of the street. Because of the congestion, they will discuss only allowing parking on one side of the street.

A committee will be created to look at tipping fees.

They are finalizing the street light standards.

House of Representatives: Chairman Seaworth reported on the Senate bills that came before the House that could impact Pembroke.

SB200 adding wildlife corridors and habitat strongholds to public good. It strengthens the ability to consider the contiguity of lands when attempting to preserve them.

SB185 was a commission to study rail trails at the State level. It has gone to the Finance Committee because of an appropriation of \$200,000 to pay for consulting studies.

SB43 was controversial. It is setting up a study committee that had to do with studying barriers to land development and how to overcome them in NH. It specifically used the word "high density housing". Some people thought that the Planning Board process was a barrier to high density housing and wondered if they were trying to get around what the Planning Board was doing.

Another bill talked about establishing an administrative process of appeal under current law that if someone does not like what the Planning Board decided, they could sue the Board. The Board could either work it out with them or the court could tell the Board what to do. The proposed process was that if the applicant did not like what the Board decided, they could go to the State commission and be told that they can build the project.

Ms. Cronin said that her understanding is that it is an expedited appeals process specifically for housing.

Chairman Seaworth said that it is the mediation that people are concerned about. The new law takes away the incentive to settle because the applicant can just go to an appeals board. The only recourse would be a lawsuit. It passed and is now a study committee which will consider looking at workforce housing and low income housing. Although there are no changes to the law in SB43, the language still made some people nervous.

SB307 which was a dark sky law expanded some of the language already in the RSAs. It would commit the State to purchasing certain kinds of lighting in terms of the color of the lights and other things to limit the light pollution. It also gave the PUC some additional authority in terms of approvals.

3. Planner Items

Since Member Goldthwaite resigned, there was an opening at the June 1, 2019 Spring OSI Planning Conference. Member Cruson said that she would consider going.

Ms. Cronin said that there are no new applications at the next business meeting.

4. Board Member Items

Member Bourque said that he will not be at the May 28, 2019 Planning Board meeting. He will be at the ZBA meeting.

Chairman Seaworth said that he will not be available for the June 11, 2019 meeting.

MOTION: Member Bourque moved to adjourn the meeting. Seconded by Member Edmonds. Unanimously approved.

The meeting was adjourned at 9:48 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary