

**Pembroke Planning Board  
Meeting Minutes  
(ADOPTED)  
July 23, 2019**

**MEMBERS PRESENT:** Brian Seaworth, Chairman; Robert Bourque; Clint Hanson; Kathy Cruson; Selectman's Rep. Ann Bond

**ALTERNATES PRESENT:** Dan Crean

**EXCUSED:** Alan Topliff, Vice Chairman; Brent Edmonds

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

Chairman Seaworth called the meeting to order at 7:00 pm. Alternate Member Crean agreed to vote in place of Member Edmonds.

**Old Business**

***\*\*The following three agenda items have requested to be continued to the August 27, 2019 Planning Board meeting.\*\****

- 1. Major Subdivision Plan Application #18-09, Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc. and SKRE Holdings, LLC, owners of Tax Map 262, Lots 43 & 45 located at 373 Fourth Range Road in the Rural/Agricultural-Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant proposes a 48-lot subdivision, including a new roadway and improvements to Fourth Range Road and Flagg Robinson Road. All lots will be served by private on-site septic and well. This plan is associated with Special Use Permits SUP-WP #18-318 and SUP-DW #18-319.

- 2. Special Use Permit Application SUP-WP #18-318, Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc. and SKRE Holdings, LLC, owners of Tax Map 262, Lots 43 & 45 located at 373 Fourth Range Road in the Rural/Agricultural-Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-72.D., Wetlands Protection District, for construction of roadway resulting in impacts to the wetlands. This permit is associated with Major Subdivision Plan Application #18-09.

- 3. Special Use Permit Application SUP-DW #18-319, Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc. and SKRE Holdings, LLC, owners of Tax Map 262, Lots 43 & 45 located at 373 Fourth Range Road in the Rural/Agricultural-Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-53, Driveways, to permit three shared driveways in the development. This permit is associated with Major Subdivision Plan Application #18-09.

Ms. Cronin read aloud the letter dated July 11, 2019 from Jon Rokeh, PE of Rokeh Consulting, LLC requesting that the Board continue the public hearing for the application to August 27, 2019 and to extend the review time deadline to August 29, 2019.

She said that the applicant would like to pull together all the information that the Planning Board requested at the last meeting such as the wetland information along with other studies that they are working on in order to come fully prepared in August.

Ms. Cronin said that she gave the Board members copies of a few letters that she received from the public. Since the Board will not be holding a hearing tonight, she advised the Board not to discuss any of the application information, including the letters, until the August 27, 2019 meeting.

Chairman Seaworth said that if anyone in the public would like to see the letters, since they are part of the public record, they may do so by speaking to someone in the Planning Department.

Members Bourque and Cruson recused themselves from the application and the vote.

**MOTION:** Member Hanson moved to extend the review deadline to August 29, 2019. Seconded by Selectmen's Rep. Bond.

**VOTE:**            B. Seaworth – Y                      A. Bond – Y                      C. Hanson – Y  
                         D. Crean - Y

**MOTION TO EXTEND THE REVIEW DEADLINE TO AUGUST 29, 2019 PASSED ON A 4-0 VOTE.**

**MOTION:** Member Hanson moved to continue the hearing until August 27, 2019. Seconded by Alternate Member Crean.

**VOTE:**            B. Seaworth – Y                      A. Bond – Y                      C. Hanson – Y  
                         D. Crean - Y

**MOTION TO CONTINUE THE HEARING TO AUGUST 27, 2019 PASSED ON A 4-0 VOTE.**

Chairman Seaworth said that the public hearing will not be renoticed. The public is advised to call the Planning Department or check the Town website for any updates or schedule changes.

Chairman Seaworth noted that Members Cruson and Bourque have returned to the Board.

#### **New Business**

- 4. Minor Site Plan Application #19-101, Peter Holden, Holden Engineering & Surveying, Inc., acting as Applicant on behalf of Jason Cross, Michel's Power, owner of Tax Map 632, Lot 16 located at 94 Sheep Davis Road in the**

**Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.**

The Applicant proposes to occupy the H.P. Fairfield site, which is a change in use from automotive to warehouse. Minor site plan improvements include 3,275 sq. ft. of new paved area and new designated outdoor storage areas. This plan is associated with Aquifer Special Use Permit SUP-AC #19-302.

**5. Special Use Permit Application SUP-AC #19-302, Peter Holden, Holden Engineering & Surveying, Inc., acting as Applicant on behalf of Jason Cross, Michel's Power, owner of Tax Map 632, Lot 16 located at 94 Sheep Davis Road in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for warehouse use over the aquifer. This permit is associated with Minor Site Plan Application #19-101.

**Present:** Peter Holden of Holden Engineering & Surveying, Inc. and Jason Cross of Michel's Power.

Ms. Cronin said that this is a Minor Site Plan Application and Special Use Permit for the Aquifer. All the checklist items were shown on the plan, therefore, there are no waiver requests.

She received comments from the Health Officer and Pembroke Water Works regarding the Special Use Permit. The Health Officer had no concerns with the project. Pembroke Water Works had concerns about future storage of chemicals. If any of the Applicant's chemicals exceed a certain amount, the applicant is asked to contact the Pembroke Water Works so that they can make sure that they are in compliance. A condition to that affect was added to the Special Use Permit.

Ms. Cronin said that the original plans had an area of new pavement and designated outdoor storage area. The Town Engineer was looking for information regarding pervious pavement. She spoke with the applicant who decided not to move forward with the pavement at this time because their goal was to quickly move into the site and did not want the pavement issue to hold them up. The applicant decided to apply for the additional pavement at a later time and will address all of Mr. Vignale's concerns at that time.

**MOTION:** Member Bourque moved to accept the application as complete. Seconded by Member Cruson.

<b>VOTE:</b>	B. Seaworth – Y	A. Bond – Y	C. Hanson – Y
	D. Crean – Y	K. Cruson – Y	R. Bourque - Y

**MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 6-0 VOTE.**

Chairman Seaworth opened the public hearing at 7:11 pm on Minor Site Plan Application #19-101 and Special Use Permit Application SUP-AC #19-302. He said that if the application is not completed tonight and the application is continued to a future meeting,

the public hearing will also be continued to that meeting without being renoticed. He asked the public to refer to the Town's website or call the Planning Department for future agendas.

Mr. Holden said that the site plan before the Board used to be H. P. Fairfield's site plan.

He said that Michel's is a transmission line construction company who is currently operating from 107 Sheep Davis Road. Michel's installs transmission line poles for electric companies and stores their equipment in Pembroke.

Mr. Holden said that H. P. Fairfield moved out of their building on Sheep Davis Road and Michel's would like to move in. He said that the pavement that is shown on the plan is the pavement that is on site today. The Fairfield plan shows that they striped 26 parking spaces but Michel's only needs 13.

Other than the few office workers and a yard foreman, the other on site parked vehicles belong to workers who leave their vehicles and drive a piece of equipment to the work site.

He said that the snow storage areas were snow storage areas from H. P. Fairfield.

Mr. Holden said that Michel's would like to store material such as pipes, poles and trailers in a certain area. He said that Michel's originally was going to pave a small area in order to square off the existing pavement but decided to perhaps do it in the future. The pavement is not presently being used for anything special. He said that the applicant did not want to postpone their occupancy because of discussions about future drainage and pavement.

Mr. Cross said that Michel's has occupied a portion of 107 Sheep Davis Road for approximately one year. He said that they do maintenance for Eversource in New Hampshire. They change bad structures with new structures. With regard to material, Mr. Cross said that it is not advantageous to store a lot of material on the Pembroke site. He said that they pick it up from Eversource's site and transport it to the work site. The only thing that Michel's has is poles on their trailers. Mr. Cross said that they have satellite yards all over the state. The site will be occupied mostly with people in the office.

Member Bourque asked if they would be storing wood poles, structures, cross irons.

Mr. Cross said no, that everything they do is steel.

Member Bourque asked about the quantity of on-site chemicals such as diesel fuel, gasoline, antifreeze, lubricants, and parts cleaners.

Mr. Cross said that nothing has changed from their present site. They do not have above-ground storage tanks. All their fueling is done at the Sunoco gas station. Their on-site chemicals consists of things such as small cans of WD-40 or household products. He said that, with regard to gas, they may have a gallon can with a mix for a leaf blower or trimmer that they occasionally use. He said that they do not store any diesel on site.

Chairman Seaworth said that the Pembroke Water Works discussed the chemicals with Ms. Cronin and language was suggested as a condition. He said that the Pembroke Water Works noted that since everything is under 5 gallons, it does not trigger special storage but if they have over 5 gallons, the Pembroke Water Works would review the site.

The Board reviewed all the conditions for the Aquifer Special Use Permit. Member Bourque pointed out that all chemicals should be stored inside a building.

Mr. Holden and Mr. Cross had no problem with the additional condition.

The following condition was added to the Aquifer Special Use Permit:

**3. All MSDS chemicals listed shall be stored inside the building.**

The Board reviewed the Minor Site Plan Application conditions.

Ms. Cronin changed #2 to read as follows:

2. Prior to signature, the plans shall be revised to remove the proposed pavement area.

There being no further questions from the Board or the audience, Chairman Seaworth closed the public hearing at 7:27 p.m. He said that if the application is not completed and is continued to a future meeting, the public hearing will also be continued without being renoticed. He asked that everyone refer to the Town website or to contact the Planning Department for an update.

**MOTION:** Member Bourque moved to approve Aquifer Special Use Permit SUP-AC #19-302 subject to the following conditions:

1. The Special Use Permit is approved conditionally until Minor Site Plan #19-101 has received final approval, at which time the Special Use Permit becomes final for as long as the plan is approved. If at any time the plan is revoked or final approval is not received, the Special Use Permit becomes invalid.
2. Storage of any chemicals exceeding 5 gallons per chemical type shall be stored inside the building on approved secondary containment and the Applicant shall contact Pembroke Water Works to ensure that the containment of materials meets their Best Management Practices.
3. All MSDS chemicals listed shall be stored inside the building.

Seconded by Member Hanson.

<b>VOTE:</b>	B. Seaworth – Y	A. Bond – Y	C. Hanson – Y
	D. Crean – Y	K. Cruson – Y	R. Bourque - Y

**MOTION TO APPROVE AQUIFER SPECIAL USE PERMIT SUP-AC #19-302 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. THE SPECIAL USE PERMIT IS APPROVED CONDITIONALLY UNTIL MINOR SITE PLAN #19-101 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THE SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE PLAN IS APPROVED. IF AT ANY TIME THE PLAN IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THE SPECIAL USE PERMIT BECOMES INVALID.
2. STORAGE OF ANY CHEMICALS EXCEEDING 5 GALLONS PER CHEMICAL TYPE SHALL BE STORED INSIDE THE BUILDING ON APPROVED SECONDARY CONTAINMENT AND THE APPLICANT SHALL CONTACT PEMBROKE WATER WORKS TO ENSURE THAT THE CONTAINMENT OF MATERIALS MEETS THEIR BEST MANAGEMENT PRACTICES.
3. ALL MSDS CHEMICALS LISTED SHALL BE STORED INSIDE THE BUILDING.

**PASSED ON A 6-0 VOTE.**

**MOTION:** Member Bourque moved to approve Minor Site Plan Application #19-101 with the following conditions:

1. All conditions of approval shall be listed on the plan.
2. Prior to signature, the plans shall be revised to remove the proposed pavement area.
3. The original signatures of all property owners shall be provided on the final plan.
4. The Special Use Permit (SUP-AC #19-302) Notice of Decision and the Site Plan Review (#19-101) Notice of Decision are both to be recorded at the Merrimack County Registry of Deeds.
5. All engineering review fees to be paid in full to the Town of Pembroke.
6. The site plan will not be considered as receiving final approval until all conditions of approval are met.

Seconded by Alternate Member Crean.

**VOTE:**            B. Seaworth – Y                      A. Bond – Y                      C. Hanson – Y  
                          D. Crean – Y                      K. Cruson – Y                      R. Bourque - Y

**MOTION TO APPROVE MINOR SITE PLAN APPLICATION #19-101 WITH THE FOLLOWING CONDITIONS:**

1. ALL CONDITIONS OF APPROVAL SHALL BE LISTED ON THE PLAN.
2. PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO REMOVE THE PROPOSED PAVEMENT AREA.
3. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.
4. THE SPECIAL USE PERMIT (SUP-AC #19-302) NOTICE OF DECISION AND THE SITE PLAN REVIEW (#19-101) NOTICE OF DECISION ARE BOTH TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.
5. ALL ENGINEERING REVIEW FEES TO BE PAID IN FULL TO THE TOWN OF PEMBROKE.
6. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.

**PASSED ON A 6-0 VOTE.**

- 6. Major Site Plan Application #19-102, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of New England Flower Farms, LLC, owner of Tax Map 559, Lot 14 located at 830 North Pembroke Road in the Rural/Agricultural-Residential (R3) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.**

The Applicant proposes to construct a 157,550 sq. ft. addition to an existing greenhouse, construct a new retention pond, and new paved access drive around the building. This plan is associated with Special Use Permits for the AC and WP Districts (SUP-AC #19-303 and SUP-WP #19-304).

- 7. Special Use Permit Application SUP-AC #19-303, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of New England Flower Farms, LLC, owner of Tax Map 559, Lot 14 located at 830 North Pembroke Road in the Rural/Agricultural-Residential (R3) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for agricultural use over the aquifer. This permit is associated with Major Site Plan Application #19-102.

- 8. Special Use Permit Application SUP-WP #19-304, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of New England Flower Farms, LLC, owner of Tax Map 559, Lot 14 located at 830 North Pembroke Road in the Rural/Agricultural-Residential (R3) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-72.D.(2), Wetlands Protection District, to construct a greenhouse addition on a parcel that contains wetlands.

**Present:** Timothy Bernier of T. F. Bernier, Inc. and Henry Huntington

Ms. Cronin said that this is a major site plan for the applicant's addition along with two Special Use Permits. A waiver from the off-street parking requirements was also submitted based on the uses listed in Pembroke's off-street parking requirements table. The Table does not match all the uses listed in the Zoning Regulations. She said that there was no use listed for "commercial greenhouse", therefore, the use was deemed a warehouse use which required over 300 parking spaces for the greenhouse. The applicant submitted a waiver because they feel that they have adequate parking for their employees.

She said that there were also several checklist waivers requested – multi-family housing, open space, proposed streets, topography, roadway profiles and cross-sections. Ms.

Cronin said that they were not applicable to the application. The topography and scale was shown for the project area and not for the vast parcel.

She said that the Town Engineer reviewed the plan and had a few comments. Since then a letter dated July 17, 2019 from Michael Vignale indicated that the plan revisions satisfied all his comments.

Ms. Cronin said that the Board should discuss whether to consider this project a Development of Regional Impact (DRI) because of Concord's well-head protection area.

She also said that the Board should discuss requirements for DRI guidelines with regard to determining if this is a commercial use or an industrial use.

Member Bourque asked if, in the past, the project was considered a DRI.

Ms. Cronin said not since she has been employed by the Town. She said that the Board cannot ask the applicant questions until they are in public session and the DRI issue is determined prior to opening the public hearing.

**MOTION:** Member Bourque moved to grant the waiver requests for checklist items: Part A – Item: L; Part B – Items: A., B.(7), B.(11), and B.(18); Part C – Items: B and C. Seconded by Alternate Member Crean.

<b>VOTE:</b>	B. Seaworth – Y	A. Bond – Y	C. Hanson – Y
	D. Crean – Y	K. Cruson – Y	R. Bourque – Y

**MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS: PART A – ITEM: L; PART B – ITEMS: A., B.(7), B.(11), AND B.(18); PART C – ITEMS: B AND C PASSED ON A 6-0 VOTE.**

**MOTION:** Member Bourque moved to accept the application as complete. Seconded by Member Cruson.

<b>VOTE:</b>	B. Seaworth – Y	A. Bond – Y	C. Hanson – Y
	D. Crean – Y	K. Cruson – Y	R. Bourque – Y

**MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 6-0 VOTE.**

With regard to the applicant's past expansions, Chairman Seaworth said that he did not recall any being considered a DRI. He was aware that the applicant always discussed their progress with Concord.

Member Cruson said that she felt that the Board would be remiss not to consider the application a DRI because of the location of Concord's wellhead.

Alternate Member Crean pointed out that the email dated June 27, 2019 from Heather Shank, City Planner for Concord, states that they have reviewed the proposal and have no issues.



After a short discussion it was agreed that this application is an agricultural use which does not trigger a DRI and that Concord was adequately notified of the project.

**MOTION:** Member Bourque moved to consider that the application is NOT a Development of Regional Impact. Seconded by Selectmen's Rep. Bond.

**VOTE:**            B. Seaworth – Y                      A. Bond – Y                      C. Hanson – N  
                     D. Crean – Y                      K. Cruson – N                      R. Bourque - Y

**MOTION TO CONSIDER THAT THE APPLICATION IS NOT A DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 4-2 VOTE.**

Chairman Seaworth opened the public hearing at 7:44 p.m. on Major Site Plan Application #19-102, Special Use Permit Application SUP-AC #19-303, and Special Use Permit Application SUP-WP #19-304. He said that if the application is not completed tonight and is continued to a future meeting, the public hearing will also be continued to that meeting without being renoticed. He asked the public to refer to the Town's website or to call the Planning Department for future agendas.

Mr. Bernier gave a brief DRI history as it pertains to this property. He said that they have been working on this property, across the street from Concord's well-head property, for quite some time and that the wells are not currently used. Approximately 15 years ago, when regional impact was relatively new, there were some misunderstandings about the projects in the area of Concord's and Pembroke's Aquifer Protection Districts. At that time, Mr. Bernier promised to always submit an application to Concord for any activity that he does in this area. The Concord City Planner always takes the application to the Technical Review Committee for their approval. The Planner then contacts Mr. Bernier to say whether she wants Mr. Bernier to talk to the Planning Department or not.

He said that he tries very hard to keep the line of communication open between Pembroke and Concord because they share the aquifer. He said that this project is not in Concord's Well-Head Protection District but part of F. L. Merrill's original project was. It is in Pembroke's Aquifer Protection District.

Mr. Bernier said that since then he always sends an application packet to Concord's Planner. The email from the City Planner dated June 27, 2019 came after he submitted the packet to them.

With regard to the project, he said that the greenhouses were built in Silver Hill's sand pit. As the material was mined away, Pleasant View Gardens expanded their greenhouses accordingly. At this time, this appears to be the final phase of this development. Mr. Bernier stated that the applicant discussed possibly expanding to the north but, he said that "there is a lot of sand between here and there."

Mr. Bernier said that last year they were approved for one bank of greenhouses – one is presently growing flowers and the other is under construction. The applicant is proposing a build-out of 157,000 sq. ft. for this intended bank of greenhouses.

He explained that, in the original greenhouses, there was an open area for ventilation (release of oxygen and intake of carbon monoxide for the plants to grow) between the 2 banks of greenhouses but now, since the roofs open, there is no need to pull the air through and no need for the space at either end of the banks. The space will be eliminated and the greenhouses will go all the way through.

The proposal is to build the project in phases -- probably over 2-3 years.

The pond will be installed first. As they build, it will tie into the pond with the drainage.

A bathroom will be added next to the proposed addition. The building is just over 10 acres inside and the existing bathrooms are at the beginning of the site which is very inefficient. The bathroom will be pumped out into a leach field outside the building.

The applicant is working on putting in a separate drinking water well. Presently there are 2 gravel-packed wells which will be solely for watering the plants.

Henry Huntington invited the Board members to visit the site at any time.

Member Cruson said that she has visited the site and realized that it does not impact neighbors but asked Mr. Huntington to describe nighttime lighting.

Mr. Huntington said that there are no lights outside the greenhouses. They have grow lights inside the greenhouses and will probably continue to add grow lights in time. He said that typically they are not adding the grow lights as they are building because of the cost of installation. They are added in phases. This year they are not planning any new lighting but eventually they will continue to add some.

Mr. Huntington said that the good news is that they do not put anywhere near the density of lighting that are at LEF Farms in Loudon because the requirements are different in terms of what is needed for supplemental lighting. Most of the flower lighting is more for "long day treatment" and some supplemental. Lighting at LEF Farms is far more than what will be put into the flower greenhouses.

Ms. Cronin said that Mr. Vignale (Town Engineer) reviewed the July 15, 2019 revised plans and indicated that the applicant addressed all his previous comments and that the plans are acceptable from an engineering prospective.

Mr. Bernier said that the project requires an Alteration of Terrain Permit and Septic System design and approval from the State. They have not received the AOT Permit yet and the State will not approve the septic design until the AOT Permit is approved. He said that the Board may want to place those two requirements as conditions of approval.

The Board reviewed the Wetland and Aquifer Special Use Permit conditions without changes.

They reviewed the Major Site Plan Application conditions. Ms. Cronin said that since the applicant has addressed all Town Engineer comments, proposed condition 3 could be deleted.

The Board decided that there was no need to add a condition pertaining to the State-approved septic design.

Selectmen's Rep. Bond said that she would speak with the Board of Selectmen about possibly selling the peninsula which is presently owned by the Town and is located between New England Flower Farm and the Soucook River to the applicant. (Noted in Locus on Sheet 1.)

Mr. Bernier said that with the zoning changes, they no longer have the issue with lot coverage that they once had. A number of years ago, Mr. Bernier approached the Town about purchasing the parcel because it would have helped the applicant meet the lot coverage requirement but, even though it was too small for a wellhead, the Town was not in favor of selling it.

Mr. Huntington said that the subject was approached at the Technical Review Committee meeting and no one had any objections to selling it.

There being no further questions from the Board or the public, Chairman Seaworth closed the public hearing at 8:03 p.m. He said that if the application is not completed tonight, the public hearing and the application would be continued to another time and would not be renoticed.

**MOTION:** Member Bourque moved to approve Aquifer Special Use Permit SUP-AC #19-303 conditionally until Major Site Plan #19-102 has received final approval, at which time the Special Use Permit becomes final for as long as the plan is approved. If at any time the plan is revoked or final approval is not received, the Special Use Permit becomes invalid. Seconded by Member Hanson.

<b>VOTE:</b>	B. Seaworth – Y	A. Bond – Y	C. Hanson – Y
	D. Crean – Y	K. Cruson – Y	R. Bourque - Y

**MOTION TO APPROVE AQUIFER SPECIAL USE PERMIT SUP-AC #19-303  
CONDITIONALLY UNTIL MAJOR SITE PLAN #19-102 HAS RECEIVED FINAL  
APPROVAL, AT WHICH TIME THE SPECIAL USE PERMIT BECOMES FINAL FOR AS  
LONG AS THE PLAN IS APPROVED. IF AT ANY TIME THE PLAN IS REVOKED OR  
FINAL APPROVAL IS NOT RECEIVED, THE SPECIAL USE PERMIT BECOMES  
INVALID PASSED ON A 6-0 VOTE.**

**MOTION:** Member Bourque moved to approve Wetland Special Use Permit SUP-WP #19-304 conditionally until Major Site Plan #19-102 has received final approval, at which time the Special Use Permit becomes final for as long as the plan is approved. If at any time the plan is revoked or final approval is not received, the Special Use Permit becomes invalid. Seconded by Member Cruson.

**VOTE:**        B. Seaworth – Y                      A. Bond – Y                      C. Hanson – Y  
                  D. Crean – Y                      K. Cruson – Y                      R. Bourque - Y

**MOTION TO APPROVE WETLAND SPECIAL USE PERMIT SUP-WP #19-304 CONDITIONALLY UNTIL MAJOR SITE PLAN #19-102 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THE SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE PLAN IS APPROVED. IF AT ANY TIME THE PLAN IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THE SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 6-0 VOTE.**

Chairman Seaworth asked if the Board would like to discuss the parking waiver.

**MOTION:** Member Bourque moved to grant a waiver from the Zoning Ordinance, in accordance with Section 143-45.1A., to waive Section 143-46, Table of Off-Street Parking Requirements, Use Number 21, to allow 38 parking spaces where 307 parking spaces is required. Seconded by Member Crean.

**VOTE:**        B. Seaworth – Y                      A. Bond – Y                      C. Hanson – Y  
                  D. Crean – Y                      K. Cruson – Y                      R. Bourque - Y

**MOTION TO GRANT A WAIVER FROM THE ZONING ORDINANCE, IN ACCORDANCE WITH SECTION 143-45.1A., TO WAIVE SECTION 143-46, TABLE OF OFF-STREET PARKING REQUIREMENTS, USE NUMBER 21, TO ALLOW 38 PARKING SPACES WHERE 307 PARKING SPACES IS REQUIRED PASSED ON A 6-0 VOTE.**

**MOTION:** Member Bourque moved to approve Major Site Plan Application #19-102 with the following conditions:

1. All waivers and the date granted shall be listed on the plan.
2. All conditions of approval shall be listed on the plan.
3. Prior to signature, the plans shall be revised to show the zoning district boundary in the vicinity map.
4. AOT Permit is required.
5. The original signatures of all property owners shall be provided on the final plan.
6. The Special Use Permit Notices of Decision (SUP-AC #19-303 and SUP-WP #19-304) and the Site Plan Review #19-102 Notice of Decision are to be recorded at the Merrimack County Registry of Deeds.
7. All engineering review fees and all recording fees to be paid in full to the Town of Pembroke.
8. The site plan will not be considered as receiving final approval until all conditions of approval are met.

Seconded by Member Hanson.

**VOTE:**        B. Seaworth – Y                      A. Bond – Y                      C. Hanson – Y  
                  D. Crean – Y                      K. Cruson – Y                      R. Bourque - Y

**MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #19-102 WITH THE FOLLOWING CONDITIONS:**

1. ALL WAIVERS AND THE DATE GRANTED SHALL BE LISTED ON THE PLAN.
  2. ALL CONDITIONS OF APPROVAL SHALL BE LISTED ON THE PLAN.
  3. PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO SHOW THE ZONING DISTRICT BOUNDARY IN THE VICINITY MAP.
  4. AOT PERMIT IS REQUIRED.
  5. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.
  6. THE SPECIAL USE PERMIT NOTICES OF DECISION (SUP-AC #19-303 AND SUP-WP #19-304) AND THE SITE PLAN REVIEW #19-102 NOTICE OF DECISION ARE TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.
  7. ALL ENGINEERING REVIEW FEES AND ALL RECORDING FEES TO BE PAID IN FULL TO THE TOWN OF PEMBROKE.
  8. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.
- PASSED ON A 6-0 VOTE.

### **Minutes**

➤ July 9, 2019

**MOTION: MEMBER BOURQUE MOVED TO ACCEPT THE JULY 9, 2019 MINUTES AS PRESENTED. SECONDED BY MEMBER HANSON. UNANIMOUSLY APPROVED.**

### **Miscellaneous**

#### **1. Committee Reports**

Board of Selectmen: Selectmen's Rep. Bond said that the Sewer Department was not interested in purchasing 4 Union Street so they are moving ahead with the sale of the property to another buyer.

The Pembroke and Allentown Old Home Day permits were finalized.

Tri-Town Ambulance: Member Bourque reported that they are still having issues with Ambulance #3. They are looking to replace the chassis.

#### **2. Planner Items**

Ms. Cronin asked the Board to review the Erosion Control Financial Guarantee Estimate spreadsheet from Mike Vignale regarding the Village at Pembroke Pines Development. She said that the restoration bond must be in place prior to construction in case the site is abandoned and the Town has to stabilize the site. \$48,695 is the Town Engineer's estimate as of July 23, 2019. It is a two-year surety estimate. If the project takes longer than that, the Board has the option to extend it one year at a time.

Selectmen's Rep. Bond said that when the applicant was explaining his project, he offered an additional \$30,000. She asked where that money would come into play.

Ms. Cronin said that the \$30,000 is to be received by the Town prior to first occupancy for off-site improvements for the roadway which is at the end of the process.

**MOTION: MEMBER BOURQUE MOVED TO ACCEPT THE EROSION CONTROL FINANCIAL GUARANTEE ESTIMATE MEMORANDUM FROM MIKE VIGNALE FOR VILLAGE AT PEMBROKE PINES DEVELOPMENT IN THE AMOUNT OF \$48,695. SECONDED BY MEMBER HANSON. APPROVED WITH 2 ABSTENTIONS - SELECTMEN'S REP. BOND AND ALTERNATE MEMBER CREAN.**

### 3. Escrow

Ms. Cronin said that there is an escrow request to release the landscape escrow from the NG Advantage site. Trees were installed a few years ago when they came in for an amended site plan. The trees are now established and healthy and provide adequate screening. The applicant would like the escrow funds released.

**MOTION: MEMBER HANSON MOVED TO RELEASE THE LANDSCAPE ESCROW FROM NG ADVANTAGE. SECONDED BY MEMBER CRUSON. UNANIMOUSLY APPROVED.**

### 4. Audience Items

Mark Dumas, 318 Beacon Hill Road, said that a few months ago the owner of 225-229 Beacon Hill Road, Lot 15 which is located near the conservation land, came to the Board with a conceptual plan to build a three-building, 48-unit workforce housing project. He gave the Board members a handout listing the negative impacts of the project.

Chairman Seaworth confirmed with Ms. Cronin that when the applicant came in it was for a conceptual and to get feedback from the Board. It was not a public hearing and the Planning Board was the only party that could discuss the project with the applicant at that time.

Ms. Cronin said that the discussion item is not still open or in progress. She said that if the applicant returns, it would likely be with a formal application to review the proposal and begin the process. Ms. Cronin said that she has not heard anything from the applicant since the initial conceptual meeting. At that time, she sent them information that they requested and comments. She has not heard from them since, therefore, it is not an active application.

Chairman Seaworth pointed out to Mr. Dumas that the reason for this discussion is to make sure that the Board does not get into a legal issue because they are discussing an application in the applicant's absence.

Mr. Dumas said that he only wanted to provide historical data pertaining to the site.

He said that he would like to speak on an issue that occurred 20 years ago. The land owner of 225-229 Beacon Road came before the Planning Board with Concord Area Trust

and Housing. The funds were reestablished and a development was created off Manchester Street.

At that time, there were issues raised about the potential development on Beacon Hill Road: (1) It was a large multifamily neighborhood; (2) there was no public transportation available; (3) There would have been a large volume of traffic; (4) There was no water or sewer on site; (5) It required the conversion from a Class VI to a Class V road; (6) Variances would have been required; (7) It abuts the Town conservation land and watershed; (8) The area consists of 60% single-family homes and 40% duplexes.

Mr. Dumas said that, at the time, the State was not going to allow the traffic to flow onto Route 3 from lower Beacon Hill Road because it was too close to the Route 3/Route 106 intersection.

He said that there seems to be a drive to create large scale housing projects in areas that are not zoned for this type of project.

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

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,  
Jocelyn Carlucci, Recording Secretary





6/25/2019  
Peter Gailunas  
415 4<sup>th</sup> Range Road  
Pembroke NH 03275

RECEIVED

JUN 25 2019

TOWN OF PEMBROKE  
PLANNING DEPT.

TO: Planning board, Town of Pembroke NH.

RE: San-Ken Homes Plan Application #18-09, Special use permit application SUP-WP # 18-318 and  
Special use permit application SUP-WP # 18-319.

Planning board Members and council,

I moved to 4<sup>th</sup> Range Road 17 years ago to get away from exactly what San-Ken homes is proposing to build at 373 4<sup>th</sup> Range road.

A 48 home project of this magnitude in this delicate area only promotes urbanization and the destruction of the rural beauty of Pembroke. Our town does not need another Donna Drive style development. By refusing to grant this subdivision permit and associated special use permits, the Planning board of Pembroke has the power to stop or significantly limit this project.

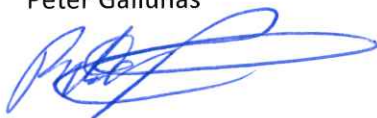
Looking at the plan San-Ken has submitted to the Planning board, it's pretty clear they have engineered the usage of every inch of this land to maximize the profit they will make on this project. From the sheer size of this project, its location and requested exceptions it is clear that San-Ken has no regard for the rural character of this part of Pembroke. The request for shared driveways is absurd and clearly an indication that the land cannot support this much development.

San-Ken could withdraw its applications and re-apply to build fewer homes. I doubt anyone would complain if they were requesting to build 10 or 15 homes on this site. 10 or 15 Homes would be a reasonable use of land with much less environmental and abutter impact while maintaining Pembroke's rural character.

Allowing this large 48 home compact development sets a precedence that the town may not be able to control moving forward. With our towns rural character is ruined, Pembroke will be ripe for explosive growth.

As a direct abutter, I am firmly against this project and the destruction of peaceful rural country living that this project will bring. I respectfully ask the planning board to listen to the will of the abutters, town's people and recreational users of the Range Roads. Do not be intimidated by San-Ken's lawyers. Refuse this application and 2 associated special use permits.

Peter Gailunas



## Carolyn Cronin

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**From:** BRIAN MRAZIK <bmrzik@comcast.net>  
**Sent:** Wednesday, June 26, 2019 1:21 PM  
**To:** Carolyn Cronin  
**Cc:** David Jodoin  
**Subject:** Additional Public Hearing Testimony For The Record

RECEIVED

JUN 26 2019

TOWN OF PEMBROKE  
PLANNING DEPT.

Hi Carolyn,

I request that the following statement be included in the record as part of my public hearing testimony regarding the San-Ken Homes Subdivision application:

"I am hereby objecting to the Planning Board's decision to obtain an undefined 'environmental impact statement', that the developer offered to provide, in lieu of the independent wetlands and hydrology review studies that the Board voted to retain at their May 28 meeting. The Board's apparent decision to table any further action on the proposals it has received for these independent studies was not affirmed by motion and vote of the members. Therefore, procurement of these studies should proceed as voted at the May 28 meeting. I believe that the developer's generous offer to provide a new gratis study may be a diversion to avoid the type of review contained in the proposals. It would also be a step backwards in terms of obtaining independent reviews of these important technical details of the subdivision plan. Furthermore, I believe that the proposals obtained from GeoInsight (hydrology) and Marc Jacobs (wetlands) provide exactly what the Town needs to assess the validity of these aspects of the subdivision plan submissions. I oppose consideration of the proposal from Meridian Land Services (endorsed by the developer at the May 28 meeting), because it includes in-field review with the developer's wetland mapper, which could jeopardize the independence of the review."

Brian R. Mrazik

RECEIVED

JUL 15 2019

TOWN OF PEMBROKE  
PLANNING DEPT.

July 11, 2019

Bruce Kudrick  
Chair, Zoning Board  
Town of Pembroke  
311 Pembroke Street  
Pembroke, NH 03275

Chair, Planning Board

Dear Mr. Kudrick;

I am writing in opposition to reclassifying Forth Range road from Class IV to V.

Kenny Lehtonen II drove that road when he purchased his land. He knew, up front, what that road would be, yet he chose to overlook it in his pursuit of the money he will make from the large development he planned. He is now pressuring our town to change to meet his personal financial gain.

Mr. Lehtonen has already shown us his deceptive nature by indicating he received approval of his plan from the Conservation Committee, which he has not. Impact on any of our wetlands needs to be accurately and honestly considered. What other deception is in his future statements?

Yes, it's his land. But it's OUR road and OUR town. Maintaining the rural quality of my beloved Pembroke is of utmost concern to me. I board a horse at Townsend's Training farm and am well aware of the beauty and quality of that area. Increasing traffic on even a widened version of that road would be a travesty, and completely out of line with what life in rural Pembroke has come to mean. I have been a tax-paying resident of Pembroke, in two locations, for 28 years.

Mr. Lehtonen made this purchase with his, admittedly young, eyes wide open. Perhaps he needs to scale down his project, provide us with honest information, and assimilate his housing concept in a way that befits what the Town of Pembroke has always stood for: gentle, rural charm.

Thank you for your consideration of this matter.

Sincerely,

CherylAnne Williams

CherylAnne Williams  
876 Wellington Way  
Pembroke, NH 03275

Cc: Chair, Board of Selectmen  
Chair, Planning Board ✓



RECEIVED

JUL 09 2019

TOWN OF PEMBROKE  
PLANNING DEPT.

357 Pembroke Hill Rd  
Pembroke, NH 03275

July 8, 2019

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Planning Board  
Board of Selectmen  
Town of Pembroke  
311 Pembroke St.  
Pembroke, NH 03275

Planning Board and Selectmen:

This is to advise you of my intention to engage the Town of Pembroke in a lawsuit to estop any approval by the Planning Board of the current subdivision plan submitted by San Ken Homes, Inc. (Plan Application #18-09 for Tax Map 262, Lots 43 & 45) at 373 Fourth Range Road. The suit will be based upon failure by the Town to administer and enforce its subdivision code. The subdivision plan, as currently presented, does not comply with Chapter 205 of the Town of Pembroke Code. I have previously pointed out the specific deficiencies in letters to the Planning Board and the Board of Selectmen, dated January 18, April 8, April 11, April 18, and April 29, 2019, and in oral testimony at various public hearings. To date, the Planning Board has not advised the developer that correction of the deficiencies is required prior to approval of the subdivision. The deadline for a Board decision on the application is scheduled for later this month. I am advising you of my intent in the hope that the Planning Board will finally address these deficiencies before the deadline and avoid the cost of a lawsuit. The specifics of my legal case are summarized below.

The developer is proposing to upgrade Fourth Range and Robinson Roads to Class V status, and improve their intersection with Pembroke Hill Road, in order to provide access to the subdivision as required by Section 205-39 of the Town subdivision code. The street design standards specified in Article VI (Paragraphs 205-39 – 205-43) of the Town code are applicable to the improvement of these roadways. Paragraph 205-39C, in particular, states that *“Wherever an existing public street is substandard with regard to the standards established within this Article, said street shall be improved in all respects, ...so that it will conform to the standards set forth for public streets in this chapter.”* [Emphasis added].

The applicable stormwater drainage standards and requirements are specified in Article VII (Paragraphs 205-44 – 205-48). The required improvements to Fourth Range and Robinson Roads, and their intersection with Pembroke Hill Road, include a stormwater drainage system sufficiently sized to pass runoff from the 10-year frequency (10 percent annual chance) storm rainfall event (Paragraph 205-44C(5)). Paragraph 205-44C(3) states: *“Accommodation of upstream drainage areas. A culvert or other drainage facility shall, in each case, be large*

*enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.” [Emphasis added]*

The existing culvert, at the intersection of Pembroke Hill, Fourth Range, and Robinson Roads, carries stormwater from the northwest section of the developer’s property, under Robinson Road, then under Fourth Range Road, and then under my property to enter into an intermittent tributary to Hartford Brook. The culvert is 8 inches in diameter and over 400 feet in length. The culvert runs full every spring and at other times during heavy rains. The culvert has overtopped and failed at least once since I have lived here; severely eroding Fourth Range Road and requiring the Town to excavate and repair it. Town Public Works records should confirm this. The culvert is undersized now, and any development in the upstream watershed (including future development beyond the current subdivision) will only increase the frequency of its failure, overtopping of the roadways, and potential flooding of my property.

The developer’s initial subdivision plan showed that this culvert would be replaced by a 15-inch culvert, but for only 110 feet of its initial length. This would not be compliant with the Town’s subdivision code for two reasons. First, the entire length would not be upgraded. Second, the diameter of the culvert was too small to pass the 10-year design discharge (28.7 cubic feet per second) calculated in the developer’s stormwater-runoff analysis. These deficiencies have repeatedly been pointed out to the Planning Board in correspondence and testimony, as discussed above. I have also contended, in my letters of April 18 and April 29, 2019, that these deficiencies constituted sufficient cause for the Planning Board to reject the developer’s subdivision plan as incomplete. In my letter of April 29, 2019, I requested the Board to reconsider its April 23 finding of plan completeness. No action was taken by the Board on my request.

At the meeting of the Planning Board of June 25, 2019, I was made aware of yet a third revision of the developer’s intersection plan that was submitted by hand to the Town on June 18. This plan withdraws the earlier proposal for a 15-inch culvert and reverts to the 8-inch culvert currently in place. This is a step backward in fulfillment of the requirements of the Town subdivision code. At the June 25 meeting, the developer’s representative stated that, by installing curbing and a catch basin on a small section of Robinson Road, any increase in flow from the subdivision would be diverted to another drainage system. While this may be true, it in no way fulfills the requirement of the Town subdivision code to upgrade the existing culvert “*to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.*”

In conclusion, since I first raised the deficiencies of the subdivision plan relative to the culvert at this intersection on January 18, the Planning Board has repeatedly allowed the developer to circumvent submission of a plan that meets the requirements of the Town’s subdivision code. In letters from the Town Planner of April 16 and April 23, 2019, I was advised that this issue was not relevant to completeness of the plan and that the issue would be resolved through the review and hearing process. To date, the issue has not been resolved, and in fact, the latest plan submission suggests that the issue will simply not be addressed at all. The June 18 plan states that the existing culvert inlet will remain.

The Planning Board has the authority and the responsibility to reject the subdivision plan for noncompliance with the Town's subdivision code. I am requesting that the Board do so at its next meeting where the subdivision will be taken up and I am requesting that this letter be included as part of my testimony for the continued public hearing at that meeting. This is my last attempt to resolve this issue through the public hearing and review process. I hope that instead of continuing to skirt the issue, the Planning Board will take direct action to inform the developer that his plan must be revised to incorporate an intersection drainage system that meets the Town's subdivision code before any approval would be considered.

This letter should not be construed as my intention to pursue judicial review of only the matter discussed herein.

Sincerely,



Brian R. Mrazik