

**Pembroke Planning Board  
Meeting Minutes  
(ADOPTED)  
August 27, 2019**

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

**ALTERNATES PRESENT:**

**EXCUSED:** Brent Edmonds

**STAFF PRESENT:** Carolyn Cronin, Town Planner; David Jodoin, Town Administrator; Susan Gifford, Recording Secretary

Chairman Seaworth called the meeting to order at 7:04 pm.

**Old Business**

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 Flag 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.

Present: Jon Rokeh, Rokeh Consulting, LLC

Also present: Town Counsel Laura Spector-Morgan of Mitchell Municipal Group

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

Chairman Seaworth read aloud Old Business Items #1, 2, and 3. Planner Cronin made an important update about Planning Board meetings starting at 6:30 p.m. rather than 7:00 p.m., beginning in September 2019, with the intent of starting and ending the meetings earlier.

Planner Cronin provided an update on the application. The Applicant proposes to upgrade a portion of Fourth Range Rd. and Flagg Robinson Rd. from Class VI roads to Town roads. A new connector roadway is proposed between the two roads. The two subject parcels are proposed to be subdivided into 47 single-family house lots and one back lot not to be developed at this time. The 47 houses are to be serviced by private on-site well and septic. A combination of closed and open storm water drainage is proposed with easements to the Town for access and maintenance.

Three waivers are requested from the Subdivision Regulations: roadway super elevation (granted on 5/28/2019), sidewalks, and curbing. The project requires the following State approvals: Alteration of Terrain, Wetlands, Septic Design, and Notice of Intent.

On July 23<sup>rd</sup>, the Planning Board review timeline was extended to August 29<sup>th</sup>. The revised plans address the issues with locations of septic areas and well radii on the lots. The submitted materials satisfy the comments of the Town Planner letter dated May 22, 2019.

Ms. Cronin stated that the following materials have been received since the last meeting:

- Letter dated August 12, 2019 from Jon Rokeh, PE of Rokeh Consulting, LLC regarding materials submitted for the resubmittal of their project, "Land Subdivision, Road Upgrades" last revised August 5, 2019.
- Jon Rokeh also provided a letter to Planner Cronin addressing the concerns of KV Partners, LLC.
- A Fiscal Impact Analysis Meadowview, dated August 15, 2019 prepared by Fougere Planning & Development, Inc., 253 Jennison Road, Milford NH 03055
- Mark Fougere, Fougere Planning & Development, Inc. also provided a report dated August 12, 2019 on Fourth Range Road & Pembroke Hill Road (Robinson).
- Michael Vignale, KV Partners, provided a letter dated August 26, 2019 with engineering comments and another letter dated August 26, 2019 regarding the traffic study.
- A certified mail letter dated August 6, 2019 from Brian Mrazik, 357 Pembroke Hill Road, was addressed to Planning Board and Selectmen. Mr. Mrazik has concerns about storm water drainage plans for the intersection of Pembroke Hill Road, Fourth Range and Robinson Roads.

The Planning Board had continued the public hearing for the application to August 27, 2019 and agreed to extend the review time deadline to August 29, 2019. The Board of Selectmen made a provisional decision on 5-0 vote not to open range roads, while waiting for a written statement to vote on.

Planner Cronin stated that since receipt of the Environmental Impact Analysis report, we have reached out to 5 independent parties for a review. We received two quotes, two did not want to quote and I am currently waiting on one response.

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

Member Crean stated that if the applicant is not using Class VI roads, the plans need substantial redesign. The Board of Selectmen is waiting for a written statement to vote on. This is a major roadblock to implementing the plan as proposed. I recommend that the Planning Board defer action until we know whether, and which range roads will be used. Much material has been submitted with little time to review.

**MOTION:** Member Crean moved that the Planning Board open the public hearing and limit discussion to hearing reactions from the applicant, board members and members of the public to their reaction to defer action in light of possible redesign of plans. Seconded by Member Hanson.

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

**MOTION TO REOPEN HEARING FOR LIMITED PURPOSE PASSED ON A 4-0 VOTE.**

Chairman Seaworth opened the public hearing at 7:17 pm on Major Subdivision Plan Application #18-09, Special Use Permit Application SUP-WP #18-318, and Special Use Permit Application SUP-DW #18-319.

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.

Jon Rokeh, Rokeh Consulting, LLC, stated that he attended the Board of Selectmen meeting where they voted 5-0 not to open the roads. There was no discussion of reasons for denial and Town Counsel wrote the criteria after the fact. The applicant will not be able to see the criteria or know the reasons for denial until the next Pembroke Board of Selectmen meeting on September 3, 2019. Depending on that information, the applicant may proceed with this plan. The applicant is considering three options:

1. Court case if we do not agree with denial reasons.
2. Attorney John Cronin advised that applicant could proceed with this plan with private roads managed by a Homeowners Association.
3. Redesign and resubmit plan as a cluster development with the same number of lots.

John Rokeh stated we could tie into our corner of the intersection, have an internal loop and open space. Lot 43 remains as open space. All lot requirements are halved, with 40,000 square foot lots and approximately 25,000 square feet buildable area. Depending on the reaction of Board of Selectmen at their next meeting, we may redesign as a cluster development.

Chairman Seaworth explained that using a cluster development, an applicant could build the same number of lots as a conventional subdivision, and leave half the property as space open. Throughout this process, range roads have been the sticking point.

Town Counsel Laura Spector-Morgan stated that per Pembroke Zoning Regulations, all lots must have frontage on Class V or better roads. Jon Rokeh stated applicant would upgrade the roads and hold them privately. Selectmen's Rep Bond asked for clarification this was at the Pembroke Hill corner. It is. Jon Rokeh stated that a cluster development would reduce wetland impact to less than 10,000 square feet and no driveways would cross over wetlands. Selectmen's Rep asked for clarification if the organization would be a Homeowners Association or a Road Association. Jon Rokeh stated they would be looking for the town to take over the roads.

Chairman Seaworth asked if it was a good use of time to continue discussion at this time. Jon Rokeh stated that the applicant would agree to extend the time clock for consideration to 2 days after the next Planning Board meeting. The applicant needs to review the written Board of Selectmen decision. Jon Rokeh is looking for limited reaction and feedback from residents who are at this meeting.

Member Crean noted that the applicant listed three options, one involving a lawsuit. Chairman Seaworth stated we are on the same page regarding giving residents the time to weigh in.

Brian Mrazik, 357 Pembroke Hill Road, stated it is not appropriate to talk about plan details tonight as there may be potential changes. Mr. Mrazik supports sending the environmental impact plan out for third party review.

Member Crean agreed that the plan might change. Member Crean agrees with sending the environment impact plan out for review, and recommends using the lower cost bid.

Planner Cronin stated the scope of work is to review the report, make a site visit, provide a written report of findings, and attend one Planning Board meeting to present and discuss those findings.

Selectmen's Rep Bond asked what number of Planning Board members constitutes a quorum. The number of members needed for a quorum is four. Selectmen's Rep Bond noted she will be out of the country for the September 24, 2019 Planning Board meeting. She will arrange for a backup Selectmen's Rep to attend.

Chairman Seaworth stated that the Planning Board originally asked for different studies – a hydrology study and wetlands delineation review. At the time, it was not clear if the environmental study would adequately cover those areas. The Planning Board wants to keep its options open to award the bids received if needed.

Jon Rokeh stated the one month request for continuance is so we can attend the September 3, 2019 meeting and review the Selectmen's decision.

Planner Cronin clarified that the Town Engineer reviewed the traffic study as to integrity of data and process. He found it meets industry standards. The Town Engineer also reviewed stormwater and road design, including proposed detention ponds and cross pipe at the 4-way intersection.

Brian Mrazik, 357 Pembroke Hill Road, asked what about the impact of new roads on town maintenance expenses. Chairman Seaworth stated anyone is welcome to get a copy of public documents submitted by contacting the Planning Department.

Gene Gauss, 201 4<sup>th</sup> Range Road, asked when the traffic study was done.

Chairman Seaworth stated it was done this summer of 2019 and did consolidate information from schools on fall enrollment.

Gene Gauss, 201 4<sup>th</sup> Range Road, stated he would prefer to see an actual count. He does not think the consolidated schools projected numbers are accurate. Variables include parents dropping students off, and students walking up from the village.

Amie Heiser, 604 Buck Street, stated an independent study is needed. Conservation Commission requested an independent wetland scientist and hydrologist report.

Brian Mrazik, 357 Pembroke Hill Road, stated an independent review is needed. There are deficiencies in the subdivision plan stormwater analysis. A 15 inch culvert at the intersection is not sufficient. Mr. Mrazik put up a map of the drainage area from a Natural Resources Inventory done for the Town of Pembroke by Dr. Van de Poll and available on the town website. Why did the applicant reduce the drainage area from 31 acres to 9 acres in the calculations? I support the Planning Board in obtaining an independent study.

Jon Rokeh stated that we originally delineated the drainage area. If that original area was used, the road would regularly flood every time it rains. We obtained 2 foot contours for the whole area to determine water that is stored and not directed to that area. Based on the contours, we reduced the drainage area.

Chairman Seaworth stated that the Town Engineer review on the plans dated August 5, 2019 included the new calculations. However, his comments do not specifically address the changed calculations one way or another. There is no reference to new calculations. **Action Item:** Chairman Seaworth asked Planner Cronin to clarify with the Town Engineer.

Planner Cronin read Item #3 from August 26, 2019 KV Partners LLC letter:

There is an existing pipe at the intersection of Pembroke Hill and 4<sup>th</sup> Range Roads that continues along 4<sup>th</sup> Range Road and then discharges to the east across private property. The proposed improvements include discontinuing the existing pipe, installing a new catch basin/pipe and directing flow into the roadside swale to be constructed as part of the 4<sup>th</sup> Range Road roadway upgrade. Existing flow patterns must be maintained in this area to minimize the amount of flow in the roadside ditch. Plans must be revised to allow all flow from the existing pipe to continue to the current discharge point and any pipes under the reconstructed 4<sup>th</sup> Range Road

must comply with current standards, which the existing pipes do not. To accomplish this, the existing pipe must be replaced within the ROW/construction area with a new pipe (12" HDPE acceptable). The proposed catch basin that directs a minimal amount of flow to the swale can remain as proposed.

Brian Mrazik, 357 Pembroke Hill Road, noted that the models that Jon Rokeh used would have the ability to take into account wetlands drainage needs to be sized properly.

Chairman Seaworth stated that the Planning Board is aware that we had discussed studies we had not acted on yet. We don't want to toss out proposals in hand, depending on what plan is submitted, in case the reports are determined to be necessary.

There being no further input, Chairman Seaworth closed the public hearing for tonight at 8:03 p.m.

**MOTION:** Member Crean moved to extend the review deadline to September 26, 2019 by mutual agreement. Seconded by Alternate Member Hanson.

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

**MOTION TO EXTEND THE REVIEW DEADLINE TO SEPTEMBER 26, 2019 PASSED ON A 4-0 VOTE.**

**MOTION:** Member Crean moved to continue the hearing until September 24, 2019. Seconded by Member Hanson.

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

**MOTION TO CONTINUE THE HEARING TO SEPTEMBER 24, 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. Major Site Plan Application #19-103, Jeffrey Burd, RJB Engineering, acting as Applicant on behalf of Ric Brown, Inc., owner of Tax Map 561, Lot 5-10-2 located at 307 Commerce Way in the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The Applicant proposes to construct two new storage buildings, totaling 6,770 sq. ft., with associated paved access. This plan is associated with Wetlands Special Use Permit SUP-WP #19-307.

**5. Special Use Permit Application SUP-WP #19-307, Jeffrey Burd, RJB Engineering, acting as Applicant on behalf of Ric Brown, Inc., owner of Tax Map 561, Lot 5-10-2 located at 307 Commerce Way in the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-72.D., Wetlands Protection District, to construct new storage buildings on a parcel that contains wetlands.

**Present:** Jeff Burd, RJB Engineering and Ric Brown, owner

Chairman Seaworth read aloud New Business Items #4 and #5. Planner Cronin explained that the Applicant proposes to amend the approved 2015 site plan to reconfigure the layout from one building to two buildings. In June 2015, a site plan was approved which included one 4,950 square foot building with paved access and associated retention pond. The retention pond has already been constructed. The Applicant proposes to build one 3,495 sq. ft. building and one 3,275 sq. ft. building with paved access.

A TRC meeting was held on August 7, 2019. There were no major concerns. Roads Committee requested a maintenance plan for the storm water basin, which was provided on August 16<sup>th</sup>. There are wetlands on the property but no wetland impact. This area is beyond the aquifer area and did not trip the triggers for a special use permit. The Town Engineer reviewed the plan and had no concerns.

**MOTION:** Member Bourque moved to grant the waiver requests for checklist items: Part A – Items: H., I., J., K., and L., Part B - Items: B.(7), B.(11), B.(16) and B.(20), Part C – Items: B., C., and F. 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 GRANT THE WAIVER REQUESTS AS LISTED PASSED ON A 6-0 VOTE.**

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

**VOTE:** 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 8:22 pm on Major Site Plan Application #19-103 and Special Use Permit Application SUP-WP #19-307.

He said that if the application is not completed tonight and the application is continued to a future meeting, the public hearing would 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.

Jeff Burd, RJB Engineering, distributed photographs of the site and representative buildings. The lot is 10.5 acres at grade in the southeast corner. The area was left open

for mobile pod storage which was not implemented. Two buildings are proposed with an aisle down the center of the buildings. In response to Board questions about which building is in the photographs, Jeff Burd pointed out a building in the front. For informational purposes, future paving is planned for three buildings built in 2000. Mr. Burd stated that unit renters park in front of their storage unit, open and close it, then leave. Mr. Burd stated there is one full time employee and one part-time employee. Ric Brown noted there are three parking spaces across the street at the office. There is an area designated for equipment storage and snow storage. Parking is based on wholesale establishment parking requirements because there is no listed use for self-storage, so 54 parking spaces would be required. Applicant is requesting a waiver of parking.

There being no further input, Chairman Seaworth closed the public hearing at 8:32 p.m.

**MOTION:** Member Bourque made a motion to grant a waiver from the Zoning Ordinance, in accordance with Section 143-45.1.A., to waive 54 parking spaces required by Section 143-46, Table of Off-street Parking Requirements, Use Number 21. Seconded by Selectmen's Rep. Bond.

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

**MOTION TO GRANT THE PARKING WAIVER REQUESTED PASSED ON A 6-0 VOTE.**

**MOTION:** Member Bourque made a motion to approve Wetlands Special Use Permit SUP-WP #19-307 conditionally until Major Site Plan #19-103 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 Selectmen's Rep. Bond.

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

**MOTION TO CONDITIONALLY APPROVE THE WETLANDS SPECIAL USE PERMIT PASSED ON A 6-0 VOTE.**

**MOTION:** Member Bourque made a motion to approve Major Site Plan Application #19-103 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. The original signatures of all property owners shall be provided on the final plan.
4. The Special Use Permit Notice of Decision SUP-WP #19-307 and the Site Plan Review #19-103 Notice of Decision are to be recorded at the Merrimack County Registry of Deeds.
5. All engineering review fees and all recording 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 Selectmen's Rep Bond.

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



**MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #19-103 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. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.
4. THE SPECIAL USE PERMIT NOTICE OF DECISION SUP-WP #19-307 AND THE SITE PLAN REVIEW #19-103 NOTICE OF DECISION ARE TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.
5. ALL ENGINEERING REVIEW FEES AND ALL RECORDING 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 #19-104, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of Pembroke Animal Hospital, owner of Tax Map 563, Lots 5, 5-1 & 5-2 located at 13 Sheep Davis Road in the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The Applicant proposes to construct a 4,132 sq. ft. addition with new driveway, parking area, and storm water infrastructure. This plan is associated with Special Use Permits for the AC and WP Districts (SUP-AC #19-305 and SUP-WP #19-306).

7. **Special Use Permit Application SUP-AC #19-305, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of Pembroke Animal Hospital, owner of Tax Map 563, Lots 5, 5-1 & 5-2 located at 13 Sheep Davis Road in the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for veterinary/kennel use and parking over the aquifer. This permit is associated with Major Site Plan Application #19-104.

8. **Special Use Permit Application SUP-WP #19-306, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of Pembroke Animal Hospital, owner of Tax Map 563, Lots 5, 5-1 & 5-2 located at 13 Sheep Davis Road in the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

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

**Present:** Timothy Bernier of T. F. Bernier, Inc. and owner Andy Julian

Chairman Seaworth read aloud New Business items #6, 7, and 8. Planner Cronin stated that the owner of Pembroke Animal Hospital recently acquired two adjoining parcels. An

additional driveway is proposed. State of NH DOT permit is needed. The veterinary hospital is an existing grandfathered use. Planner Cronin noted that there was a lot of discussion as to which provisions of Commercial Dog Kennel would apply to the grandfathered use. It was decided that the addition must meet dimensional requirements and landscape buffers. The number of dogs allowed is the same as the number of dogs they currently serve. The applicant does not need a Special Exception for expansion of use. There are wetlands on the property but they have no impact. As long as dog waste is properly disposed, there are no aquifer concerns. There are a number of waiver requests. The applicant submitted the missing checklist item, test pits, today. At Technical Review Committee, public safety requested 2 separate addresses for the two buildings. Engineering has not reviewed the most recently submitted plans.

**MOTION:** Member Bourque moved to grant the waiver requests for checklist items: Part A – Item: L; Part B – Item: B.(11), and Part C – Items: B and C. 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 GRANT THE WAIVER REQUESTS AS LISTED PASSED ON A 6-0 VOTE.**

**MOTION:** Member Bourque moved to accept the application as complete. 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 ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 6-0 VOTE.**

Chairman Seaworth opened the public hearing at 8:43 pm on Major Site Plan Application #19-104, Special Use Permit Application SUP-AC #19-305, and Special Use Permit Application SUP-WP #19-306.

He said that if the application is not completed tonight and the application is continued to a future meeting, the public hearing would 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.

Tim Bernier noted that 25 years ago, he presented the subdivision on the same parcels of land. There were two separate owners. Andy Julian recently purchased the abutting lot to Pembroke Animal Hospital. Tim Bernier explained that the old right-of-way for Sheep Davis Road/Route 106 went across the property. A lengthy process involving State of New Hampshire and Town of Pembroke took place in order to release that land. Town of Pembroke, perhaps in error, gave this small section of land its own Tax Map Lot Number.

The existing parcel purchased in 1996 is 2.23 acres, and the acquired lot is 2.83 acres. The owner plans to merge them into one lot and expand the dog day care with a 4,180 square foot addition. There will be new driveway to dog day care. The terrain is difficult on the existing driveway and it is not feasible to loop them together. Many of the dog care activities are currently outside. The addition brings them inside, which is a huge improvement on rainy or inclement weather days. The building has to be 100 feet from the right-of-way, so on the revised plans the building is 9 feet farther from Route 106 than

it was before. On Saturday, August 24, 2019, Tim Bernier discovered the soils were better than expected and moved the proposed detention pond in front of the building to the back after the test pit work. The applicant wants to make the best use possible of the land. The flow is good. The State of NH reviewed the proposed driveway. Tim Bernier resubmitted the plan so that a SV30 vehicle is able to get in for deliveries. There is plenty of parking for dog drop off and pick up. The dog day care is an asset to the town.

Chairman Seaworth noted that his dog has stayed at this day care. Chairman Seaworth asked how clients would know how to access dog day care. There is a vet clinic sign at the existing driveway, and a second sign is proposed for the dog day care driveway. Selectmen's Rep Bond asked if access to dog day care can occur from both driveways. An existing doorway and hallway lead to the new addition. Selectmen's Rep Bond asked why the driveways could not loop around. Employee parking is located at the top of the existing driveway. Grade changes would not allow the driveways to connect.

Selectmen's Rep Bond asked what the distance was between the two driveways. Tim Bernier said it was 450 feet, and the new driveway has right and left turning lanes. The location of the property line and telephone poles prevented locating the driveway directly across from the back entrance to Veano's. Police would like two different addresses. There will be two separate signs with two different addresses – 13 and 17 Sheep Davis Road. Andy Julian pointed out existing emergency vehicle access to the back of the building. Tim Bernier noted the alarm systems will be separate at each address.

Planner Cronin confirmed that as part of the building permit process, addresses will meet E911 criteria. Planner Cronin confirmed that the revised plans received this morning meet all her concerns. Mike Vignale, town engineer, needs to review the revised plans. The Planning Board could either continue the hearing or make satisfaction of engineering concerns a condition of approval.

Conservation Commission had a question on disposal of dog waste they wanted asked on their behalf. Andy Julian, owner, responded that three kennel staff pick up all the waste continuously. Waste goes in the trash, in the dumpster. Andy Julian, owner, stated there will be no increase in the number of dogs served at day care. Thirty to forty dogs attend daily. Their exercise area will be located inside rather than outside.

Tim Bernier stated that Hodges development, Riverwood and two residences on Beacon Hill Road are closest to the dog day care. No residential use is allowed in the commercial area. Andy Julian stated that the owner of Tranquility Day Spa next door has stated she is not disturbed by day care activity. Tim Bernier stated he has worked with the town engineer in the past and feels comfortable that all of the engineering comments will be met by the applicant.

Member Bourque stated that if the Planning Board knew what the engineering comments on the revised plan were and the comments were minor, he would not have an issue with a condition that the applicant comply with all engineering requirements. However, the engineer has not reviewed the revised plans.

Tim Bernier noted that on the last KV Partners letter, the major comment was completing test pits to confirm the soils. The soils were better than anticipated and allowed us to move the proposed detention pond from the front to the back of the building.

Chairman Seaworth stated that the proposed detention pond was moved, and the building was moved 9 feet back in the revised plans. We do not know what the engineering comments will be on the revised plans. The Planning Board applies the same rules to any applicant and does not want to set a precedent of conditionally approving a plan without knowing what the engineering comments are. We would like to close the loop with engineering review. Member Bourque would like to see the engineer comments before making any decisions.

There being no further input, Chairman Seaworth closed the public hearing at 9:08 p.m.

**MOTION: Member Crean made a motion to continue the hearing for New Business Agenda Items #6, 7, and 8 to the September 24, 2019 meeting. Member Bourque seconded.**

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

**MOTION TO CONTINUE PUBLIC HEARING TO SEPTEMBER 24, 2019 PASSED ON A 6-0 VOTE.**

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

**9. Notice of Voluntary Lot Merger per RSA 674:39-a**

Pembroke Animal Hospital, PC, owner of Tax Map 563, Lots 5, 5-1, and 5-2, located at 13 & 17 Sheep Davis Road.

**MOTION: Member Crean made a motion to continue consideration of New Business Agenda Item #9 to the September 24, 2019 meeting. Member Bourque seconded.**

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

**MOTION TO CONTINUE CONSIDERATION TO SEPTEMBER 24, 2019 PASSED ON A 6-0 VOTE.**

**Minutes**

➤ August 13, 2019

**MOTION: MEMBER BOURQUE MOVED TO ACCEPT THE AUGUST 13, 2019 MINUTES AS PRESENTED. SECONDED BY MEMBER CREAN. UNANIMOUSLY APPROVED.**

**Miscellaneous**

1. Correspondence – Planner Cronin reported that the Planning Board received a notice that NH DOT issued a driveway permit on Route 3 to 214 Academy Road.
2. Committee Reports

Roads Committee: Chairman Seaworth said that Roads Committee meets next week. The meeting will be at Town Hall as 1) the Board of Selectmen meet with NH DOT to discuss the Route 28 bridge work, 2) There will be an update on upper Beacon Hill Road engineering and 3) status on incomplete projects.

Board of Selectmen: Selectmen's Rep. Bond said that the Board of Selectmen approved Dan Crean as a voting Planning Board member. The board discussed Fourth Range Road. The vote will be discussed at the September 3, 2019 meeting. A good time was had by all at Old Home Day August 24.

Tri-Town Ambulance: Member Bourque reported that Tri-Town ambulance #3 is in Massachusetts being rechassised. This work will take several months. Ambulance #8 and a rental to replace #3 are currently in service.

CIP: Member Bourque reported that CIP has been meeting every Wednesday. There is no CIP meeting August 28 and a vote on all department requests will be taken at the CIP meeting on September 4, 2019.

### 3. Other Business

### 4. Planner Items

**Land Use Law Conference** – Planner Cronin will resend the link to members for the Land Use Law Conference scheduled for Saturday, October 5, 2019. Please register for the conference if interested. Please forward the confirmation email to Ms. Cronin by Thursday, August 29 so that a check for registration can be processed and mailed by deadline.

**Update** – Brent Edmonds plans to attend the September meetings.

### 5. Board Member Items

**NH DOT Meeting September 10, 2019** – Chairman Seaworth noted that a DOT meeting scheduled at 6:00 pm conflicts with the Planning Board work session. He will be late to that meeting.

**Elect Vice Chair: MOTION:** Member Hanson nominated Member Bourque as Vice Chair. Member Cruson seconded. Unanimously approved.

### 6. Audience Items

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

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,  
Susan Gifford, Recording Secretary



RECEIVED

AUG 06 2019

TOWN OF PEMBROKE  
PLANNING DEPT.

357 Pembroke Hill Rd  
Pembroke, NH 03275

August 6, 2019

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Planning Board and Selectmen:

Reference is made to my letter of July 8, 2019 and previous correspondence and testimony regarding the subdivision plan submitted by San Ken Homes, Inc. (Plan Application #18-09 for Tax Map 262, Lots 43 & 45) at 373 Fourth Range Road. Two days subsequent to my July 8 letter, the Town received two letters from Rokeh Consulting, LLC, on behalf of San Ken Homes, Inc., requesting the Board of Selectmen and Planning Board to extend public hearings originally scheduled in July to August 19 and August 27, 2019. I believe that these requests were in response to the deficiencies I have previously brought to your attention regarding the stormwater analysis for the proposed drainage system at the intersection of Pembroke Hill, Fourth Range and Robinson Roads. These extensions, granted by the Town, have provided the developer with over 5 weeks to revise his stormwater drainage plan for this intersection.

As you are aware, the developer has a track record of submitting plan revisions to the Town just prior to Board meetings and public hearings, providing little time for impacted parties to assess the changes and submit relevant testimony. In order to ensure that due process is retained on the review and approval of this subdivision, I am requesting that the Board of Selectmen and Planning Board provide a minimum of 30 days for review prior to the closure of public hearings and any action by the Boards to approve the subdivision plan and/or the reclassification of Fourth Range or Robinson Roads. I am also requesting that the 30-day review period begin when the Town makes available copies of any new or revised plan submissions, to the Town or its representatives (e.g. KV Partners, LLC.), by Rokeh Consulting or San Ken Homes,.

This letter is part of my testimony for the continued public hearings where the subdivision plan and/or the reclassification of Fourth Range or Robinson Roads will be taken up.

Sincerely,

Brian R. Mrazik



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AUG 23 2019

357 Pembroke Hill Rd  
Pembroke, NH 03275

TOWN OF PEMBROKE  
PLANNING DEPT.

August 23, 2019

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

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

Planning Board and Selectmen:

Reference is made to my letters of August 6 and July 8, 2019 and previous correspondence and testimony regarding the subdivision plan submitted by San Ken Homes, Inc. (Plan Application #18-09 for Tax Map 262, Lots 43 & 45) at 373 Fourth Range Road. Two days subsequent to my July 8 letter, the Town received two letters from Rokeh Consulting, LLC, on behalf of San Ken Homes, Inc., requesting the Board of Selectmen and Planning Board to extend public hearings, originally scheduled in July, to August 19 and August 27, 2019. I believe that these requests were in response to the deficiencies I have previously brought to your attention regarding the stormwater analysis for the proposed drainage system at the intersection of Pembroke Hill, Fourth Range and Robinson Roads. These extensions, which were granted by the Town, have provided the developer with 5 weeks to revise his stormwater drainage plan for this intersection.

On August 13, the developer submitted a revised Stormwater Management Report dated August 9, 2019, an Environmental Impact Assessment (EIA) dated August 2019, as well as other materials. In anticipation of these submissions, my August 6 letter requested that the Boards provide a minimum of 30 days for public review prior to the closure of public hearings and any action to approve the subdivision plan and/or the reclassification of Fourth Range or Robinson Roads. That letter was submitted as testimony for the public hearings at the Board of Selectmen's meeting on August 19 and the Planning Board Meeting of August 27. My request for a 30-day review period was not addressed at the public hearing on August 19. Assuming that the Planning Board will likely follow suit, I have conducted a limited review of the revised Stormwater Management Report and the EIA in the brief amount of time I have had available. My findings are discussed below.

With regard to the stormwater report, I have repeatedly stated to both Boards that the developer's proposed sizing for the culvert, that crosses the Pembroke Hill, Fourth Range, and Robinson Road intersection, was too small to carry the flow computed in his stormwater analysis. In my letter of July 8, I stated my intention to litigate this issue if the Planning Board did not require the developer to address this deficiency. The developer finally submitted a revised plan on August 13. Please refer to Attachments 1 and 2, which contain summaries of the 10-year rainfall-runoff



analyses for pre-development conditions from his prior and most recent submissions, respectively. You will note that the developer's remedy was not to increase the culvert size, but to reduce his design flow by 83 percent; from 28.32 cubic feet per second (cfs) in his original plan (Attachment 1, Subcatchment 1S) to 4.77 cfs in his most recent submission (Attachment 2, Subcatchment 1S). The apparent basis for this dramatic change was a reduction in the size of the drainage area used in the analysis from 30.9 acres to 8.8 acres. It seems incredible that the initial measurement of the drainage area for this culvert could have been in error by nearly 350 percent and that this error was not identified in the Town Engineer's review. Is the public now expected to accept the revised number as the correct one? Are the flows computed for the other subcatchments and reaches correct? In my opinion, as a professional hydrologist and a formerly licensed professional geologist in the State of New Hampshire, the magnitude of this correction calls into serious question the credibility of the entire Stormwater Management Report.

At the request of members of the citizenry, the Pembroke Conservation Commission, and me, at the Planning Board meeting of May 28, 2019, the Board unanimously voted to retain its own wetland scientist and an independent hydrologist to review the developer's wetland delineations and hydrology, respectively. Proposals were subsequently obtained to procure these reviews. At the Planning Board meeting of June 25, the Board dropped further action on these independent reviews (without a motion or vote to do so) and instead accepted a gratuitous offer by the developer to provide an EIA. As documented in the minutes of the June 25 meeting, the developer's wetland scientist described the EIA as one which would: 1. Take all the wetlands and drainage issues into account and how they affect habitat, wildlife, roads, and wells. 2. Take an all-around look at impacts from the development. 3. Address the land characteristics now versus how they would change after development, including runoff, impervious surfaces, vegetation, and the amount of water.

After reviewing the EIA, my opinion is that it does nothing to address the concerns raised by the Planning Board or the citizenry regarding the surface-water and ground-water impacts of the proposed subdivision. It appears to be largely a regurgitation of information already provided by the developer, or readily available to the Town from other sources. The report is inflated in size by the inclusion of irrelevant material and contains no new information on specific project impacts. Instead, the report draws broad, sweeping, and largely unsubstantiated conclusions that project impacts are minimal and insignificant.

In conclusion, I believe the evidence is overwhelming that the project review processes for this complex subdivision has been inadequate and that the Planning Board's reliance only on data generated, or paid for, by the developer is not in the Town's best interest. I again call upon the Board, as requested in my initial January 19, 2019 letter, to contract with qualified independent experts to conduct reviews of the applicant's proposed wetland delineations, septic system designs and percolation testing, stormwater and drainage plans, and roadway, sidewalk and curbing plans, including assessments of pre- and post-development vehicular, pedestrian, and bicycle traffic. The Planning Board has a responsibility to the Town taxpayers to adequately review this project, including following through on its vote of May 28 to conduct independent reviews. The Planning Board must reject the current subdivision plan until all independent reviews are completed and any identified deficiencies are addressed.

This letter is submitted as part of my testimony for the continued public hearings at the Pembroke Planning Board Meeting of August 27 2019.

Sincerely,

Brian R. Mrazik, Ph.D., PG

## ATTACHMENT 1

**05-16-19 Sanken PRE**
*Type III 24-hr 10-year Rainfall=4.21"*

Prepared by RJB Engineering

Printed 5/17/2019

HydroCAD® 10.00-21 s/n 05821 © 2018 HydroCAD Software Solutions LLC

Page 6

Time span=5.00-30.00 hrs, dt=0.05 hrs, 501 points  
 Runoff by SCS TR-20 method, UH=SCS, Weighted-CN  
 Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

<b>Subcatchment1S: SUB 1</b>	Runoff Area=1,346,573 sf 0.68% Impervious Runoff Depth=1.61" Flow Length=2,540' Tc=38.8 min CN=72 Runoff=28.32 cfs 4.145 af
<b>Subcatchment2S: SUB 2</b>	Runoff Area=446,652 sf 0.00% Impervious Runoff Depth=1.68" Flow Length=1,820' Tc=20.0 min CN=73 Runoff=13.23 cfs 1.435 af
<b>Subcatchment3S: SUB 3</b>	Runoff Area=1,512,482 sf 0.00% Impervious Runoff Depth=1.54" Flow Length=2,515' Tc=24.1 min CN=71 Runoff=37.56 cfs 4.455 af
<b>Subcatchment4S: SUB 4</b>	Runoff Area=5,574,508 sf 0.00% Impervious Runoff Depth=1.61" Flow Length=6,090' Tc=49.4 min CN=72 Runoff=102.98 cfs 17.160 af
<b>Subcatchment5S: SUB 5</b>	Runoff Area=137,156 sf 0.00% Impervious Runoff Depth=1.75" Flow Length=230' Slope=0.0300 '/' Tc=13.0 min CN=74 Runoff=5.02 cfs 0.460 af
<b>Subcatchment6S: SUB 6</b>	Runoff Area=1,296,477 sf 0.00% Impervious Runoff Depth=1.47" Flow Length=4,375' Tc=28.5 min CN=70 Runoff=28.41 cfs 3.650 af
<b>Subcatchment7S: SUB 7</b>	Runoff Area=65,642 sf 0.00% Impervious Runoff Depth=2.38" Flow Length=850' Tc=14.6 min CN=82 Runoff=3.21 cfs 0.299 af
<b>Reach 1R: RUNOFF</b>	Avg. Flow Depth=0.65' Max Vel=4.39 fps Inflow=13.23 cfs 1.435 af n=0.040 L=600.0' S=0.0467 '/' Capacity=33.70 cfs Outflow=13.04 cfs 1.435 af
<b>Reach 2R: STREAM</b>	Avg. Flow Depth=1.04' Max Vel=5.01 fps Inflow=37.56 cfs 4.455 af n=0.040 L=550.0' S=0.0327 '/' Capacity=160.28 cfs Outflow=37.19 cfs 4.455 af
<b>Link 2L: DN 2</b>	Inflow=49.91 cfs 5.890 af Primary=49.91 cfs 5.890 af

**Total Runoff Area = 238.280 ac Runoff Volume = 31.605 af Average Runoff Depth = 1.59"**  
**99.91% Pervious = 238.071 ac 0.09% Impervious = 0.209 ac**

## ATTACHMENT 2

**08-09-19 Sanken PRE**

*Type III 24-hr 10-year Rainfall=4.21"*

Prepared by

Printed 8/12/2019

HydroCAD® 10.00-20 s/n 04200 © 2017 HydroCAD Software Solutions LLC

Page 10

Time span=5.00-30.00 hrs, dt=0.05 hrs, 501 points  
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN  
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

<b>Subcatchment 1S: SUB 1</b>	Runoff Area=383,506 sf 2.54% Impervious Runoff Depth=1.41" Flow Length=1,065' Tc=72.2 min CN=69 Runoff=4.77 cfs 1.031 af
<b>Subcatchment 2S: SUB 2</b>	Runoff Area=446,652 sf 0.00% Impervious Runoff Depth=1.68" Flow Length=1,820' Tc=20.0 min CN=73 Runoff=13.23 cfs 1.435 af
<b>Subcatchment 3S: SUB 3</b>	Runoff Area=1,512,482 sf 0.00% Impervious Runoff Depth=1.54" Flow Length=2,515' Tc=24.1 min CN=71 Runoff=37.56 cfs 4.455 af
<b>Subcatchment 4S: SUB 4</b>	Runoff Area=5,574,508 sf 0.00% Impervious Runoff Depth=1.61" Flow Length=6,090' Tc=49.4 min CN=72 Runoff=102.98 cfs 17.160 af
<b>Subcatchment 5S: SUB 5</b>	Runoff Area=137,156 sf 0.00% Impervious Runoff Depth=1.75" Flow Length=230' Slope=0.0300 '/' Tc=13.0 min CN=74 Runoff=5.02 cfs 0.460 af
<b>Subcatchment 6S: SUB 6</b>	Runoff Area=1,296,477 sf 0.00% Impervious Runoff Depth=1.47" Flow Length=4,375' Tc=28.5 min CN=70 Runoff=28.41 cfs 3.650 af
<b>Subcatchment 7S: SUB 7</b>	Runoff Area=65,642 sf 0.00% Impervious Runoff Depth=2.38" Flow Length=850' Tc=14.6 min CN=82 Runoff=3.21 cfs 0.299 af
<b>Reach 1R: RUNOFF</b>	Avg. Flow Depth=0.65' Max Vel=4.39 fps Inflow=13.23 cfs 1.435 af n=0.040 L=600.0' S=0.0467 '/' Capacity=33.70 cfs Outflow=13.04 cfs 1.435 af
<b>Reach 2R: STREAM</b>	Avg. Flow Depth=1.04' Max Vel=5.01 fps Inflow=37.56 cfs 4.455 af n=0.040 L=550.0' S=0.0327 '/' Capacity=160.28 cfs Outflow=37.19 cfs 4.455 af
<b>Link 2L: DN 2</b>	Inflow=49.91 cfs 5.890 af Primary=49.91 cfs 5.890 af

**Total Runoff Area = 216.171 ac Runoff Volume = 28.490 af Average Runoff Depth = 1.58"**  
**99.90% Pervious = 215.948 ac 0.10% Impervious = 0.224 ac**



RECEIVED

AUG 27 2019

TOWN OF PEMBROKE  
PLANNING DEPT.

Since the issuance of the first abutters notice in January, I have submitted several letters of testimony to the Planning Board pointing out what I believe are deficiencies in this subdivision plan and why a development of this magnitude is inappropriate for the available infrastructure.

However, the problem I have focused on, in-depth, was the stormwater analysis for the drainage at the intersection of Pembroke Hill, Fourth Range and Robinson Roads. The current drainage there passes through an 8-inch culvert that crosses several hundred feet of my property

The town subdivision ordinance requires that this roadway drainage be upgraded, as part of the proposed modifications to the intersection, to accommodate the subdivision.

In my previous letters and testimony, I had repeatedly stated that the developer's calculated 10-year storm flow of 28 cubic feet per second could not be carried through his proposed 15-inch culvert for this intersection.

In my July 8 letter to the Board, I stated my intent to seek judicial review of any approval by the Board prior to this problem being adequately resolved. In August, the developer submitted yet another revised drainage plan, which I am sorry to report, is also unacceptable. Instead of increasing the culvert size, the developer recomputed the 10-year storm flow to reduce it from 28 to 4.8 cubic feet per second. This re-computation was based on a revision of the drainage area in the flow calculations from 31 acres to 9 acres. I can find no basis for this substantial reduction.

I call your attention to this map of the drainage area I obtained from the Town's own website. This map was prepared as part of the Natural Resources Inventory for the Town that was completed by Dr. Rick Van de Pol, a licensed wetland scientist, several years ago. As part of this inventory, Dr. Van de Pol delineated the drainage area for all the small drainage catchments in town.

As you can see on this map, the drainage area boundary is delineated in red and is based on landscape topography which funnels surface runoff into

wetlands and flow channels at the lower elevations. The drainage is characterized by a large number of wetlands interconnected by intermittent streams. The general direction of flow is from North to South following the topography of Pembroke Hill.

I computed the size of this drainage area also using tools available on the town website. It measured at 31 acres; virtually identical to that used in the developer's original stormwater analysis.

So the question remains as to why the developer reduced the size of the drainage area from 31 acres to 9 acres.

I call the Board's attention to the orange line I am showing on this map. I copied the position of this line from the developer's revised drainage area map of August 5, part of which is shown here. Yesterday, I went to this site to try to identify a basis for putting a drainage boundary in this location. Although there is high ground on either side of the wetlands, there is no reason why stormflows would not continue to proceed through the wetlands in a downstream direction. There is also no way that surface water could take another route out of this drainage.

As a professional hydrologist, I personally have no credibility in the stormwater analysis for this drainage. I have not reviewed the analyses for the many other drainages that are included in the subdivision, but I think another look is warranted based on the problems identified with this one. I also note that the wetlands mapping prepared by Dr. Van de Pol, and also available on the Town website, differs significantly from that prepared by the developer.

On May 28, this Board unanimously voted to retain its own wetland scientist and an independent hydrologist to review the subdivision plan. Proposals were subsequently obtained to procure these reviews. At the Planning Board meeting of June 25, the Board dropped further action on these independent reviews (without a motion or vote to do so).

I now call upon the Board to reject the subdivision plan, as submitted, and for any future resubmissions, to proceed with these independent reviews so that the public can have some credibility in the data with which the Board will make its decisions.