

**Pembroke Planning Board
Meeting Minutes
March 22, 2022
(Approved April 12, 2022)**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Brent Edmonds, Kevin Foss, Peter Gagyi, Selectman's Rep.; Clint Hanson

ALTERNATES PRESENT: Bryan Christiansen

MEMBERS EXCUSED: Kathy Cruson

STAFF PRESENT: Carolyn Cronin, Town Planner; Susan Gifford Recording Secretary

Chairman Seaworth called the meeting to order at 6:30 pm. Six members and one alternate member were present. Bryan Christiansen was designated to vote for Member Cruson.

New Business

Special Use Permit Applications SUP-AC #22-302, SUP-WP #22-303, SUP-SP #22-304, Stantec Consulting Services, Inc. acting as Applicant on behalf of Eversource Energy, owner of a utility easement across Tax Map 632, Lots 2, 4, 8, 11, 18, and 18-14 and Tax Map 634-47 located in the Commercial/Light Industrial (C1) Zone, the Soucook River Development (SR) Zone, and the Aquifer Conservation (AC), Floodplain Development (FD), Shoreland Protection (SP), and Wetlands Protection (WP) Districts.

- The Applicant requests a Special Use Permit in accordance with Article 143-68.E. for utility construction in the Aquifer Conservation District.
- The Applicant requests a Special Use Permit in accordance with Article 143-72.D.(2) for utility construction within wetlands and wetland buffers.
- The Applicant requests a Special Use Permit in accordance with Article 143-71.E. for utility construction in the Shoreland Protection District.

Present: Matt Arsenault, Stantec Consulting Services, Inc. and Ashley Ruprecht, Eversource Energy.

Planner Cronin reported that the applicant requests Special Use Permits for work, which includes temporary and permanent impacts, within the shoreland, wetlands, and aquifer overlay districts. The work involves removing wooden transmission line towers and replacing them with new steel towers. The project area is within the utility right-of-way and spans several properties.

Planner Cronin noted that a TRC meeting was held on March 8, 2022. Most of the discussion focused on access for emergency services and securing the site from theft and vandals. The Health Officer and Pembroke Water Works submitted letters stating that they have no concerns. The Town Engineer has no concerns.

At 6:34 p.m. Chairman Seaworth opened the public hearing on Special Use Permit Applications SUP-AC #22-302, SUP-WP #22-303, and SUP-SP #22-304. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be on the town website for a future agenda item.

Matt Arsenault, Stantec Consulting Services, Inc., introduced the members of the project team present. He described the structure replacement project that starts in Concord, runs through Pembroke, and goes back to Concord. It passes by Pembroke water supply, Army National Guard facilities and Dirt Doctor. Twenty-five structures built in the 1960s are being replaced due to deterioration. The structures, originally constructed of wood, are being replaced with metal and most will be located plus or minus 10 feet from the original location. Some structures will be offset more. Two structures are being eliminated. The height of the structures will be fifteen feet taller than current structures. The material used is weathered steel in a dark brown color.

The first task is to upgrade the existing access paths for construction vehicles to pass. The existing access paths are 10-12 feet wide. They will be widened to 12-16 feet wide and filled with durable gravel. The work paths are in the shoreline zone and a few areas are in the buffer area of the Soucook River. Temporary timber mats placed in the river will be removed, and the area restored after the project is complete. The expected start date is September 2022 through March 2024. Matt Arsenault stated work will not be occurring all the time. There will be periodic activities. The gravel work pads will initially be 100 feet by 100 feet. Up to sixty percent of the area is reclaimed.

Vice Chairman Bourque asked if the work is parallel to P145. The new structures (towers, cable, and transfer line) are fifteen feet from the old line. Vice Chairman Bourque noted that cranes and bucket trucks can leak hydraulic fluid. Matt Arsenault responded that a containment plan is in place using double containment. The only potentially hazardous materials are engine oil and gasoline. On site fueling practices specify that equipment is fueled 100 feet from the wetlands where possible. Applicant responded we are aware of and do follow all state regulations. There is a spill containment response plan. Chairman Seaworth noted the applicant had discussions with Pembroke Water Works regarding protection of the wellhead. Plans include moving equipment out of buffer areas to refuel. Member Edmonds noted there is significant amount of State permitting. Have any drainage considerations come up in discussions? Matt Arsenault responded that using existing paths results in no alteration of drainage. Member Edmonds asked if any logging, or use of herbicides will occur. Applicant responded that right of way is already cleared. No logging will occur. Matt Arsenault stated that periodic maintenance includes manual methods to remove vegetation. Applicant responded we do not use herbicides or chemicals in New Hampshire.

Chairman Seaworth noted that there are unique buffers in Town of Pembroke. Vice Chairman Bourque asked about the work plan for the project through March 2024. He also asked about recovery after the work is complete. Matt Arsenault explained the first step will be to upgrade the access roads. Then the structures will be replaced, and line work will be completed last. In response to board questions, Matt Arsenault stated that no contractor has been selected yet for the project. In response to board questions, the applicant clarified that some work pads and access paths will remain in the buffer. Matt Arsenault noted that from original size of 100 feet by 100 feet, the access area will shrink down to approximately 30 feet by 60 feet. Chairman Seaworth asked about pad 50 in the wetland, for example. This is more in the potential vernal pool buffer. Applicant

responded that easement/access path is existing and will be upgraded. Part of the access path will be permanent.

Member Edmonds asked if the National Guard will be allowed to access their facilities during the project. Applicant responded that no issues are anticipated at the National Guard site. Meetings are held with property owners throughout the project to coordinate the work. Access is never blocked off. Two structures are being eliminated at Dirt Doctors site. Member Edmonds asked about noise level and hours of operation. Applicant responded that typical work hours are 7 am to 7 pm.

Chairman Seaworth asked about any conditions of approval other than standard boilerplate for each type of permit. Planner Cronin stated the Wetlands permit is tied to the State of NH wetland permit. The project requires the highest level of environmental permitting.

Member Edmonds asked if any blasting or rock removal is planned. The applicant does not anticipate any ledge or blasting. Chairman Seaworth asked how large the anchors on the pads in the wetlands are. Applicant responded that there is a four-foot diameter base with the structure measuring one and a half to two-feet in diameter with guide wires.

There being no further input Chairman Seaworth closed the public hearing at 7:00 p.m. for tonight. Chairman Seaworth noted that if this application is not completed tonight, the application and its public hearing will be continued to a future meeting and not renoticed.

MOTION: Vice Chairman Bourque moved to approve Aquifer Special Use Permit case SUP-AC #22-302 subject to the following conditions:

1. This Special Use Permit is in accordance with Article 143-68.E., Aquifer Conservation District, to perform utility construction work within the Aquifer Conservation District.
2. The Special Use Permit shall be recorded at the Merrimack County Registry of Deeds.

Seconded by Member Hanson.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagy - Y
 B. Edmonds - Y C. Hanson – Y B. Christiansen- Y
 R. Bourque - Y

MOTION TO APPROVE SUP-AC #22-302 WITH CONDITIONS PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Bourque moved to approve to approve Wetlands Special Use Permit case SUP-WP #22-303 subject to the following conditions:

1. This Special Use Permit is in accordance with Article 143-72.D.(2), Wetlands Protection District, to perform utility construction work. It includes work within a wetland and wetland buffer and shall be constructed according to the submitted plans and the NHDES Wetlands Permit conditions of approval.

2. The Special Use Permit shall be recorded at the Merrimack County Registry of Deeds.

Seconded by Member Hanson.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y C. Hanson – Y B. Christiansen- Y
R. Bourque - Y

MOTION TO APPROVE SUP-WP #22-303 WITH CONDITIONS PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Bourque moved to approve to approve Shoreland Protection Special Use Permit case SUP-SP #22-304 subject to the following conditions:

1. This Special Use Permit is in accordance with Article 143-71.E., Shoreland Protection District, to perform utility construction work within the Shoreland Protection district. All work shall be constructed according to the submitted plans and the NHDES Shoreland Permit conditions of approval.
2. The Special Use Permit shall be recorded at the Merrimack County Registry of Deeds.

Seconded by Member Hanson.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y C. Hanson – Y B. Christiansen- Y
R. Bourque - Y

MOTION TO APPROVE SUP-SP #22-304 WITH CONDITIONS PASSED ON A 7-0 VOTE.

Minutes

February 22, 2022

MOTION: Member Foss moved to approve the minutes of February 22, 2022, as presented. Vice Chairman Bourque seconded.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y C. Hanson – Y B. Christiansen- Y
R. Bourque - Y

MOTION TO APPROVE MINUTES OF FEBRUARY 22, 2022, AS PRESENTED PASSED ON A 7-0 VOTE.

Miscellaneous

1. Correspondence – CNHRPC Data Collection Program 2022

Planner Cronin noted that Roads Committee provided a comprehensive list of traffic counting locations. Chairman Seaworth noted that five primary and three secondary recommendations were discussed and listed by priority. Peter Gagyi noted there are two spaces remaining on the list. Brian Christiansen asked what was happening on Clough Mill Road. Chairman Seaworth noted that the bridge has been closed. Traffic counts are needed at both ends to measure the impact to through traffic. There is a sign stating the road is not a through street. Planner Cronin noted the last count at Clough Mill Road was done in 2012. Chairman Seaworth noted that Commerce Way is on the list to measure impact to traffic flow by business shifting location on the road. Board consensus was to

add "North Pembroke Road west of Route 28" to the list as the last count was in 2014, making a total of nine locations. Planner Cronin will send the complete list to CNHRPC.

2. Committee Reports

Roads Committee - Chairman Seaworth reported that Roads Committee discussed the list for CNHRPC for 2022 traffic counts. Chairman Seaworth noted that NH Legislature had five nonpartisan bills that related to town zoning and land use. Several, including a lot size minimum/maximum and allowing four units of any configuration on a single-family lot, did not pass but will be resubmitted in another year. Three bills addressed the Housing Appeals Board. One bill proposed to repeal the board, and another proposed to restrict appeal to land use and buildings. Vice Chairman Bourque noted that a recent range road opening decision by the Board of Selectmen was appealed at this board. Local control is losing to state control. Planner Cronin noted that with a Special Exception, Town of Pembroke zoning already allows 3-6 units on one lot with more frontage and a larger lot size. The NH Planners Association sent out a survey and found the one thing planners were in favor of was LCHIP funding used for housing.

TRC – Vice Chairman Bourque reported that TRC met on March 8 to discuss tonight's application.

Conservation Commission – Member Foss reported that Conservation Commission met with Eversource on March 14 to discuss tonight's application. The commission continues to work through deed language to streamline and make it consistent. Cass VI roads were also discussed. Member Foss reported that the Conservation Commission scheduled their annual monitoring day on Saturday, April 9, 2022. Everyone who would like to walk the properties is invited to join the commission at 9:00 a.m.

Board of Selectmen – Selectmen's Rep Gagy reported that Main Street project is underway. A bid was awarded to F.L. Merrill. DPW Director met with the board to discuss equipment purchase of a 10-wheel dump truck. Elections confirmed Chair and Vice Chair members Karen Yeaton and Sandy Goulet. Committee assignments were reviewed.

3. Other Business – none

4. Planner Items – Planner Cronin noted that the Town Engineer provided new cross sections with the proposed pavement thickness changes to Subdivision Regulations. Planner Cronin will send the proposal to the Roads Committee and will tentatively schedule a public hearing at the April Planning Board work session pending Roads Committee review.

5. Board Member Items –

Vice Chairman Bourque asked for a status update on providing a solution to enable the board and the audience to see details of an application presentation up close on monitors in the meeting room. The idea was mentioned three years ago, and several budget sessions have passed since then. Chairman Seaworth noted that the suggestion to move toward all electronic files was also considered at the time. Due to the volume of sheets in plans and revised plans, use of all electronic files were rejected. Vice Chairman Bourque noted that during COVID, the Go to Meeting software used by the town allowed the presenter to enlarge and point out sections of a plan. Chairman Seaworth agreed that was a good enhancement, and it would be beneficial to research a simple solution that could position one screen toward the board and one screen toward the audience.

Vice Chairman Bourque suggested setting up a town-wide committee to discuss the range road area. Chairman Seaworth agreed that discussion should be a future work session agenda item. If appropriate, the board could discuss and recommend that the Board of Selectmen set up a town-wide committee, with someone from Central NH Regional Planning on the committee to assist, to encourage development. Vice Chairman Bourque reported that ZBA recently met with town counsel Steve Whitley.

Member Hanson reported that PACE will be discontinued on June 30, 2022. At that time, a check for any credit balance will be provided to Pembroke School District.

6. Audience Items - none

MOTION: Vice Chairman Bourque moved to adjourn the meeting. Seconded by Member Foss.

Without objection the meeting was adjourned at 7:38 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary