

**Pembroke Planning Board**  
**Meeting Minutes**  
**April 26, 2022**  
(Approved May 24, 2022)

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

**ALTERNATES PRESENT:** Bryan Christiansen

**MEMBERS EXCUSED:** Kevin Foss, Brent Edmonds

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

Chairman Seaworth called the meeting to order at 6:30 pm. Five members and one alternate member were present. Chairman Seaworth designated Bryan Christiansen to vote for Kevin Foss.

**New Business**

1. **Design Review, Scott Frankiewicz, New Hampshire Land Consultants, PLLC acting as Applicant on behalf of Kimball Street LLC, owner of Tax Map VE, Lot 132-1 located at 11-13 Kimball Street in the Business/Residential (B1) Zone, the Central Business District (B2) Zone, the Municipal Separate Storm Sewer System (MS4) District, and the Aquifer Conservation (AC) District.**

The Applicant proposes to construct a 6-unit residential development with associated parking and drainage. The purpose of a design review is for the applicant and the Board to engage in discussion. All comments are non-binding, and no decisions will be made by the Board.

Planner Cronin stated that the applicant went before the Zoning Board last year for a Special Exception to construct a townhouse development not to exceed six units. In September 2021, the Special Exception was granted. The applicant proposes to build a 6-unit multifamily building to be served by town water and sewer.

This application is filed as a Design Review. This is not a site plan review submittal and; therefore, does not require action by the Board. The design review process allows the Board to engage in nonbinding discussion with the applicant beyond conceptual and general discussions which involve more specific design and engineering details. The meeting has been noticed to abutters and to the general public.

The checklist was submitted with no items missing and no waiver requests submitted from the applicant. The Checklist is included as part of the Board's operating rules to assist the applicant. There is no requirement for completeness of a design review, so the checklist is for informational purposes only.

A TRC meeting was held on April 12, 2022. Driveway sight distance and parking were major concerns from department heads. The Town Engineer issued preliminary comments. A copy of the plan was sent to the Superintendent of Schools.

Planner Cronin stated that this opportunity for non-binding comments allows the Board to ask questions, make suggestions, and provide general or specific feedback on the plan. The Board may also indicate any studies they may require from specialists relative to the project.

This is a public meeting, not a public hearing. However, the Chair may allow the public to speak and ask questions. The Board will take no action on the application; there will be no motions made on the plan.

Chairman Seaworth opened the public hearing at 6:37 p.m. He asked that all who wish to speak identify themselves and their address. All comments shall be addressed to the board and all questions shall be directed to the Chair.

Dan Cotnoir, owner/builder, handed out revised plans to all board members. Revised plans contain minor changes regarding parking in response to a request for more parking. Twelve parking spaces are shown, two spaces for each of six units, and three overflow guest parking spaces. A fire lane is shown with no parking allowed. The dumpster location is rearranged to the right of the parking lot. Applicant is proposing six rental units. This is a site plan, not a subdivision.

Dan Cotnoir explained there were plans for septic, but now they will tie into municipal sewer. Test pits and infiltration pits were dug last Thursday. Steve Pernaw has reviewed traffic and driveway sight distance. The units can tie into town water. On the plan provided at the Special Exception hearing in September 2021, the units were located more uphill. The revised plan moves the new units down away from abutters. A property for sale by a bank is the closest abutter.

Vice Chairman Bourque asked if the Special Exception approval was conditional. Special Exception approval was conditional on town septic and water connection. Chairman Seaworth noted that the topography of the driveway drops off severely. Dan Cotnoir said the area will have to be built up. Terrain alteration, drainage and stormwater are challenges. The back side of the units will be a basement walkout.

Vice Chairman Bourque stated that he asked at the TRC meeting what the elevation was from the ground to the highest window. Dan Cotnoir stated the elevation is under thirty-five feet to the top of windows on all four sides. Elevation shall not exceed fifty feet to the roof per fire department regulations. With a walkout it is like having a third-floor window on the back side. Mr. Cotnoir believes we meet all the requirements. Member Cruson asked what the ZBA considered when considering the Special Exception. Vice Chairman Bourque stated that the application was presented showing units closer to the road. A Special Exception is needed beyond two units. Nine criteria for a special exception were met, a Notice of Decision was approved for a maximum of six units. Member Cruson noted that we have no site plan or topographical information to review. Member Cruson noted that the Planning Board has looked at several development proposals for this site in the past. Parking in that area is usually parked up. Due to the width of the street and the drop off, it is hard to get through Kimball Street. Member Cruson worries about construction trucks coming in and out. Chairman Seaworth noted the pictures are shown from the center of the road. It is different from the view on the sidewalk. The topography does not hit street grade. Member Cruson has practical concerns about snowbanks and safety. Alternate Member Christiansen asked if it were possible to locate another utility pole on the sidewalk. Dan Cotnoir stated they could move the pole behind the sidewalk if necessary. The pole is a support pole to the power pole and there are no plans to move it.

Electric service will be underground. Vice Chairman Bourque stated that if a pad mount transformer is used, it needs to have secondary containment.

Planner Cronin read comments from Member Foss who is unable to attend this meeting. Member Foss is concerned about lack of visitor parking, and the septic versus sewer issue being sorted out.

Theresa Phair, 179 Main Street, biggest property abutter to the proposal, stated that at the ZBA hearing the plan was to construct condominiums and is now going to be rental apartments. Theresa Phair worries about property values of single-family homes in the area. The proposed units also have small yards. Chairman Seaworth confirmed that in the application to Planning Board, the request for condominiums was removed and narrowed down to apartments. Vice Chairman Bourque, Planning Board representative to ZBA, stated that he does not recall all the facts of the ZBA meeting. There was no sewer capacity available at the time of the Special Exception hearing but may be available now. Member Cruson stated that there is no difference as the special exception was for number of units. Chairman Seaworth stated that the ZBA usually conditions their approval. The plans have not substantially changed. Theresa Phair stated the units were supposed to be \$270,000 condominiums. Owners tend to take better care of their properties. Theresa stated she has some pictures of rentals in the area and some of them should be condemned. Vice Chairman Bourque asked if Planning Board members could review the minutes of the relevant ZBA minutes. Planner Cronin will provide the minutes.

Gerard Fleury, 21 Kimball Street, stated that he reviewed the site plan revision, and three visitor parking spaces were added. Where did the snow removal area go? Gerard Fleury is concerned about runoff water. There is ledge in the area. Water is a problem. Older storm drain pumps send the water uphill to accommodate the brook that crosses the property. Gerard Fleury is concerned about line of sight distance. On September 24, 2021 Steve Pernaw said line of sight was safe from the vantage of the sidewalk. There is a difference of ten feet from the level of parking to the street. A vehicle extends six feet from a driveway. Is there clear line of sight in all weather conditions? Mr. Fleury has lived in the area 50 years. The trash removal vehicle needs to enter and exit. Is there a turnaround at each end of parking? Will there be blasting of ledge? People are already using sump pumps to remove water from basements. A single-family home or duplex would not provide the profit margin of six apartments. As the plans are revised, I will be watching. Here is a photo of me standing on a six-foot snowbank. Snow storage impacts line of sight.

Dan Cotnoir stated that the dumpster is beyond the turnaround and is not impeding the turnaround. Blasting will meet requirements if it is necessary. Snow storage is shown on the lot. Chairman Seaworth asked if any boat or trailer storage is included in the design. Dan Cotnoir stated a standard lease allows two regular vehicles per unit. The lease agreement restricts any other type of vehicle. The three additional parking spaces are not designated "visitor." Vice Chairman Bourque asked if any additional gravel parking can be located on the back side. Dan Cotnoir stated we can look at alternatives. On the plan we can show sight line triangles with owner responsibility to maintain sight lines. We will fill in the site and put in an infiltration system. Chairman Seaworth noted that one of the reasons for using an infiltration system is to meet MS4 regulations prohibiting runoff to

town stormwater. Applicant must treat and manage all storm water on site. The Planning Board will have to review all applications going forward with federal MS4 standards in mind. Vice Chairman Bourque stated I agree with Chairman Seaworth that all stormwater must be managed on site.

Sarah Hallock, 15 Kimball Street, stated I live directly next door. It is too steep to park on the side of the driveway. There is ledge everywhere. I received an expensive quote for fence on three sides of my property because of the ledge involved. My house is old dating from 1800's and any blasting is an issue. Where will snow melt go? We live downhill from this property. We have a retaining wall to accommodate our two parking spaces. The grade is significant and slippery. I have been here two years. There is no parking allowed on one side of the street. A lot of concerns were raised at the ZBA meeting for the Special Exception. Chairman Seaworth stated this is a reminder that abutters need to attend Planning Board meetings as well to voice concerns. Applicant will build up the site and bring the driveway to the level of the street. More analysis is needed on what can and cannot be done.

Earl Phair, 179 Main Street, are there basements in the units? Dan Cotnoir stated half foundations are planned. We will show snow storage and parking on the plan. Chairman Seaworth stated applicant will need to demonstrate that snow melt is captured and directed to infiltration on site. Member Cruson stated that will include salt and road runoff. Dan Cotnoir said we will work with ADS. Vice Chairman Bourque stated due to many comments on sight distance, Pembroke DPW needs to determine if fence of abutter may be in the right of way. DPW issues driveway permits.

Gerry Fleury, 21 Kimball Street, asked what the procedure is after tonight. Chairman Seaworth stated this design review is an open discussion with no binding comments. A plan that may be submitted would have much more detail. This is an optional process. Any future submittal will follow the formal Planning Board process. Gerry Fleury asked if a future formal plan would be noticed. Chairman Seaworth stated yes, a future submitted plan would be noticed to abutters and the public. Anyone is welcome to call Planner Cronin at any time with questions. The Town Engineer would evaluate a submitted plan. The Town Engineer may decide to bring in an outside consultant to explain complex aspects of the proposal. Topography, impervious surface, ledge are all complicated factors.

There being no further comments, Chairman Seaworth closed the public hearing at 7:45 p.m.

Dan Cotnoir thanked the Planning Board for allowing him to come in for design review. Dan Cotnoir said abutters concerns were noted. Vice Chairman Bourque stated that residence fire sprinkler systems were mentioned at the ZBA meeting. Chairman Seaworth stated that Pembroke Fire Department requires sprinklers in certain circumstances. Specific requirements may be included as notes on the plan. In terms of process, the applicant has gone to the Zoning Board of Adjustment. The Planning Board process is quite different. A resident asked if the applicant could change from ownership to rentals. Chairman Seaworth stated the Planning Board has no authority over ZBA decisions. The

boards are very separate under the law. At the ZBA meeting, many of the concerns brought up were Planning Board concerns.

Chairman Seaworth thanked everyone for their participation. When a formal application is submitted, abutters will be notified. Planner Cronin will keep the revised plan, photographs and materials submitted tonight in an archive file that can be revisited in the future.

### **Minutes**

April 12, 2022

**MOTION:** Vice Chairman Bourque moved to approve the minutes of April 12, 2022, as amended (correct names of voting members). Member Hanson seconded.

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

**MOTION TO APPROVE MINUTES OF APRIL 12, 2022, AS AMENDED PASSED ON A 6-0 VOTE.**

### **Miscellaneous**

1. Correspondence- Planner Cronin received a Public Hearing notice from City of Concord regarding conditional use of additional antennas on roof top at 100 No. Main Street. Planner Cronin emailed back for more information.
2. Committee Reports  
CNHRPC – Member Cruson reported that Heather Stark, Concord City Planner, gave an interesting presentation at Regional Planning meeting on the zoning process, industrial versus residential, outside dining, expanding the tone of Concord, new design for urban areas and what is happening in other cities like Manchester NH  
Roads Committee - Chairman Seaworth reported discussion occurred on open versus closed drainage and having one road design standard with deviations. The Town Engineer will be reviewing this material.  
Board of Selectmen – Selectmen's Rep Gagyi reported that the board met last week. Cemetery fees were updated. A vote released bonds for Pembroke Pines. Delinquent taxes were discussed. An interview for fifth open position on Board of Selectmen was held.
3. Other Business
4. Planner Items – Planner Cronin noted that detail of pavement thickness, impact to gravel shoulders, and other big picture items can be updated and reviewed later by the Town Engineer. Pavement thickness can be easily changed after a public hearing.
5. Board Member Items – None.
6. Audience Items – None.

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

Without objection the meeting was adjourned at 7:52 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary