

Town of Pembroke Roads Committee

311 Pembroke Street, Pembroke, NH 03275

MINUTES

Tuesday, June 4, 2019

Meeting called to order at 6:02 P.M.

1. Attendance: Present: Jay Menard, Buddy Curley, Brian Seaworth, Richard Bean, Jim Boisvert, Paulette Malo, Ann Bond, Selectman
Unavailable: Tim Goldthwaite

2. Old Business:

- a. Culvert Inventory
- b. Review Trench Permit Application and Rules (Chapter 186)
- c. 3, 5 & 10 Year Road Improvement Plan
- d. Update 2018-2019 Road Projects
- e. Update Culvert Replacement
- f. Drainage Issues (Broadway/Fairview)

a. No new information but it is now part of our MS4. We have put in for an Asset Management Grant and are going through DES Clean Water Division for that Grant. We are requesting an intern through the Grant for culvert inventory, catch basin inventory and inventory and condition of our active swales and ditch lines which are all part of the MS4. All that data will have to be in the GIS system. We will be doing all our culverts and catch basins, even those not in the MS4 area. That way if the MS4 area expands, culverts diameter & conditions will be in the system. We will have more information in 2-3 months. The Grant may cost a minimal amount but is well worth applying for. They discussed drainage and how it involves Town and State systems. If a problem occurs, it would have to be determined if it is a Town issue or State to resolve. The current inventory was started about 6 years ago but needs additional data.

b. Any changes made to the trench permit will have to go to the Board of Selectmen and a Public Hearing. The committee will only make recommendations to the Board of Selectmen for review. If they agree with the changes proposed, then they would call for a public hearing. Donna Drive and Nadine Road gas line project will go on town property. Whatever regulations that are in place now is what they will use. It will be a couple of months for any changes to be approved and by then the gas company will have completed their work. The committee discussed diagrams that were presented at the last meeting (from Rochester) and that the detail for requirements was excellent and spelled out just what was required. It was also mentioned that when Concord changed their rules a few years ago, Liberty Utilities challenged them in court. Currently, we have a flat fee of \$150.00 and there needs to be a bond in place for the value of the entire project. Paulette suggested that a walk through with a camera. Jim mentioned that we have videos on file for Whittemore Road and Wilkens Avenue. When a State road is involved we cannot stop or control the project. But on our roads, the gas line project on Donna Drive and Nadine Road, the restoration section of trench permit lists re-excavation plus 2 feet. That means a temporary patch of 2 feet on every driveway which will result in a new apron for all driveways. The committee wants to make sure the bond covers the cost of the entire project. The gas company is planning

on digging 18 inches deep, they will try to hole-hog (directional) bore which would not disturb the pavement. Since there is a bond rule in place now, that needs to be enforced. Ann stated that some property owners believe they own the town right-of-way as part of their property and are concerned about knowing where the pipe is going. Yes, they will have dig safe markers for all utilities in the whole area. The committee discussed the estimated cost to the gas company to do all the driveways.

c. Next meeting for an update, VJ met with Dean Williams last week.

d. Spent half the encumbered money for crack sealing, Advanced Excavating and Paving is half done. Union Street should be done tomorrow weather permitting. If it rains they will do it next Wednesday. The town will not be paving the parking lot at 4 Union Street. The parking lot will have binder only on it. East Meadow Lane and Eastview are done. There was one concerned citizen on that roadwork and Mike Vignale addressed the issue. Detention pond on Upper Beacon Road project was not draining to the liking of the engineer, they took out the 3rd pipe and no further drainage problem at this time. There is still a punch list of 20 +/- items. The committee agreed that the engineer should be making the decisions on the plans and it should be designed properly to drain as expected. 2019 hot topped sections of Borough Road, needs ditching from Borough Road to Plausawa Hill Road. They plan to shim and overlay North Pembroke Road. Upper Beacon may be done later this summer. The berm needs to be increased to send water to the catch basin. No crack sealing has been done yet on the 2019 list. Last week VJ checked with the company and they are three weeks out because of the rain.

e. 2018 Nadine culvert is done, hot top not done yet.

f. Kim Malo of 82 Broadway came in to discuss the drainage issues. She has a culvert which runs through her yard and into a neighbor's yard on Fairview. This year there were ice issues that the Public Works Department had to deal with all winter. With all the rain this spring, the drainage was examined and found to be broken in several places and no longer functioning properly. The Town Administrator wants a yes or no on the right-of-ways to determine who is responsible for fixing the drainage. Something has to be done. No price tag has been determined to make the repairs. Right now it is a 6" pipe which no longer drains into the catch basin. The water just flows on the surface. The pipe is on the surface of the ground in the owner's yard and they have been trying to cap it with boards. Other sections including Colonial Avenue, Mason Avenue and Donald Avenue are wet in the whole area. The pipe originates at the stone wall and the water comes from the other side of the wall. The Loso's built the whole project many years ago. It is not on a State area. The committee looked over the deeds available to see how the drainage easements were written. They were missing one for Kimberly Malo. They discussed the maps provided to understand the direction of the drainage flows. The maps indicate there may be a 10' wide drainage easements on the properties. They mentioned that the abutting property has not been maintained and yard debris and over grown vegetation is hampering the flow from that side of the stone wall. Proposal is to put in a 6 inch pipe with fabric and stone going to the catch basin. The question still remains from the last meeting who has the right to maintain the easements. Who owns the easement? In any event the drainage needs to be fixed correctly and under the ground to avoid freezing of the drainage pipes and causing the icing problem that occurred this year. There should be another existing pipe on Colonial Avenue but cannot be located. This problem is not like the Donna Drive problem where the owners have filled in easements. The town has a 50 foot right-of-way on Colonial Avenue and a catch basin we maintain. The question was posed to the 2 Board of Selectmen members present this evening:

When there is a problem with brush being dumped into a water drainage areas can someone like the Code Enforcement Officer go and require the property owners clean up those areas? If they don't clean up their yards, what course of action can the town take? Six years ago when Donna Drive was redone, the ground water in July was just 12 inches down. They worked in water that whole street. Kim will have to come back next meeting to finalize their discussion. More information on abutter's deeds will be available then.

3. Any Old Business:

- a. Planning Board detention pond San Ken Homes
- b. Nixon Road

a. Last Planning Board meeting they went over the plans for 48 homes. There are 4 detention ponds that they want to turn over to the town to maintain when the project is complete. The other alternative is to have a Home Owners Association for the project and make them responsible for maintaining those ponds. The Committee discussed these scenarios. If an association is formed, they often dissolve and then who do you go after if the detention ponds are not maintained? Also, the Town is partially under MS4 now but will eventually be required to keep track of all catch basins, culverts, detention ponds town-wide. Once MS4 is fully implemented, it will be the town's responsibility to know and report what is going into and out of the detention ponds, so it is probably better to maintain them from the beginning. Jim explained that depending on the size of the detention or retention ponds it can take two workers 48 hours to completely clear out grass and bushes that grow. They have even used grazing animals to do some of the "mowing" but they do not clean up all the vegetation. The Public Works Department worked on the Kline Way detention pond this year, did not mow but had to remove silt. The backhoe will not go into the pond and everything has to be done with a 5 gallon bucket and wheel barrow. Suction hose will not go into it either. Ann suggested that the town not maintain the swales but maintain the detention & retention ponds. Just like there is a driveway culvert maintenance ordinance for home owners, they felt that there should be an ordinance drawn up making the homeowners responsible for the swales on their properties. Something enforceable that makes them responsible for any contamination that would go into the retention ponds. The Public Works Director has the authority to enforce driveway culvert repairs or replacements. Enforcement is the issue. We don't want to inherit ownership, we want to be able to enforce the rules of maintenance on the owners. The ponds in this particular plan will be at least a two week project for the Public Works Department. Example of ownership issues: Keith Avenue is not a town road and public works was asked why we were plowing it. We no longer plow that road. However, the drainage on Keith Avenue is owned by the town and we maintain it. With closed and open drainage anyone can contribute to them, then the outfall goes downstream and becomes a town issue. The committee feels that the person(s) responsible for the mess should be held accountable and fined for any cleanup. Jim is allowed to enforce what is in the MS4 perimeter. The Selectmen and the Planning Board have the authority to put in the regulations and rules holding the developer responsible. DES and EPA have changed the rules so additional filtering has to take place before the water is allowed to flow into a waterway. Therefore, more detention ponds are in these plans and can be expected in future development plans. Drainage systems are sometimes four times the cost than actually needed. Ann Bond stated that residents are requesting that developments like this be brought up at the next Town Meeting (in March) not just a public hearing. Jim stated that if they follow all federal, state and local regulations then they cannot be stopped from going forward with their development. A Town Meeting would not override their actions to meet all regulations. The deeper the town gets into MS4, the more

important it becomes to be able to keep on top of problems with the drainage systems. It is imperative that we can go after the people who caused the problem. Jim gave a couple of examples of recent incidents, one with cooking oil spilled on the roadways and another with paint poured into a catch basin. These must be documented and if they can catch the party responsible, they must be held accountable. There was another incident during the winter where an oil tank in a basement leaked and went into the drainage system. DES was called in to handle that incident. As MS4 is implemented, it has been brought to the attention of the Town Administrator that tracking everything, catch basins, culverts, swales, reports of conditions, incidents etc., will be a full time job for one person. Ann will discuss with David tomorrow, what can be done about enforcing regulations. The committee continued discussing how important it is to be able to enforce regulations and to make sure all the drainage is maintained properly. They need to verify that deeds are properly written to give the town permission to go on the property to maintain drainage systems. The town attorney should be consulted to find the appropriate wording to be able to enforce rules. The Roads Committee recommends that the easements for the drainage be town owned so that proper maintenance can be done and recorded for the MS4. It was discussed that any Homeowners Association can be dismantled preventing the Town from enforcing any of those rules and regulations.

b. There needs to be a conversation with the current residents of Nixon Road regarding the paving of that road. The Committee recommends that Nixon Road be paved.

4. New Business:

a. Paving requests for 2020, Plausawa Hill Road

a. Mr. Andrew Albee (via an email) would like Plausawa Hill Road included in 2020 list of roads to be worked on. The RSMS plans list it for 'deferred maintenance' in 2023. Bow Lane is also on the list for 'maintenance and deferred maintenance' in 2019-2023. The Committee felt it was in need of a total restoration. Currently, the engineering of Main Street comes first. Once complete, then Bow Lane will be considered for engineering for a rebuild. It was last done in 1997-1998.

5. Any New Business:

6. Accept Minutes:

a. May 7, 2019

Motion: Paulette approve as written

Seconded: Jay Menard

Vote: All in favor, (Brian abstained)

Next meeting will be July 9, 2019 at 6:00 p.m. at Public Works Building

7. **Adjourn:** **Motion:** Paulette Malo

Seconded: Brian Seaworth

Vote: All in favor, Adjourned: 8:09 pm